

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: September 22, 2005

Division: Growth Management

Bulk Item: Yes No X

Department: Planning

Contact Person: K. Marlene Conaway

AGENDA ITEM WORDING:

The second of two public hearing to consider adopting an Ordinance amending the Monroe County Year 2010 Comprehensive Plan to delete HEI requirements in the Plan, require an existing conditions report including vegetation survey, require a grant of conservation easement to protect upland vegetative areas, limit the clearing of native upland vegetation dependent upon the Tier system designation, and make Tier designation criteria consistent with Goal 105.

ITEM BACKGROUND:

On June 14, 2005, the Board of County Commissioners adopted a DCA Transmittal Resolution submitting the draft ordinance amending various Comprehensive Plan objectives and policies to revise environmental and clearing regulations to implement provisions of Goal 105 of the Year 2010 Comprehensive Plan and Rule 28-20.100, F.A.C. Since transmittal of the ordinance, the Board of County Commissioners, upon the request of the Governor and Cabinet, approved on August 17, 2005 an "Action Plan", to make further revisions to the proposed draft ordinance to further enhance habitat protection and ensure internal consistency between the revised Tier system and Goal 105 and other comprehensive plan policies. The Growth Management Division staff prepared revisions to the draft ordinance based on the "Action Plan", which were shared with DCA staff. Although the County has not formally received review comments from DCA at the time of this writing, the staff believes that the revisions to the draft ordinance address the concerns of the DCA staff. A copy of DCA's report will be provided as soon as it is available.

The staff report contains a summary of the significant changes, particularly those required to meet the concerns of the DCA and Governor and Cabinet.

PREVIOUS RELEVANT BOCC ACTION:

The BOCC adopted Resolution No. 172(b) -2005 transmitting the draft ordinance amending the 2010 Comprehensive Plan to DCA for review and comment.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: N/A

BUDGETED: Yes No

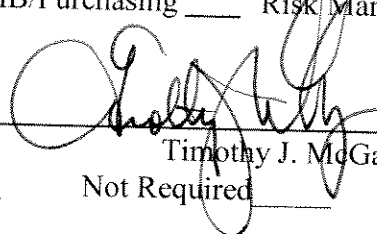
COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included X

Not Required

DISPOSITION:

AGENDA ITEM #

BOCC ORDINANCE

ORDINANCE NO. 2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTING AMENDMENTS TO THE MONROE COUNTY 2010 COMPREHENSIVE PLAN TO DELETE REQUIREMENTS FOR A HABITAT EVALUATION INDEX (HEI), REVISE THE OPEN SPACE, LAND ACQUISITION, MANAGEMENT AND GIS MAPPING REQUIREMENT AND IMPLEMENT GOAL 105 OF THE 2010 COMPREHENSIVE PLAN AND THE TIER SYSTEM BY DELETING POLICIES 101.4.20, 102.4.6, 102.9.5, 102.9.6, 103.2.2, 207.1.2, 207.10.5, 207.12.6 AND OBJECTIVE 1201.13; REVISING POLICIES 101.4.22, 101.14.1, 102.1.1, 102.4.1, 102.4.2, 102.4.3, 102.4.4, 102.4.5, 102.7.3, 102.8.1, 102.8.5, 102.9.1, 102.9.2, 102.9.3, 102.9.4, 103.2.1, 105.2.1, 105.2.3, 105.2.6, 105.2.7, 105.2.10, 204.2.1, 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, 205.1.6, 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.12, 205.2.14, 205.5.1, 205.5.2;; REVISING OBJECTIVES 102.4, 102.9, 205.1, 205.2 AND 205.5; CREATING NEW POLICIES 6, 102.4.6, AND 102.4.7; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO TRANSMIT A COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Administration Commission in 1996 enacted Rule 28-20.100, which created the "Work Program" in the 2010 Comprehensive Plan and mandated, among other things, the preparation of a Carrying Capacity Study for the Florida Keys; and

WHEREAS, the "Work Program" mandates that the County implement the Carrying Capacity Study by the adoption of all necessary plan amendments to establish development standards to ensure that new development does not exceed the carrying capacity of the County's natural environment; and

WHEREAS, the "Work Program" mandates that the County initiate and complete a collaborative process for the adoption of Land Development Regulations (LDRs) and Comprehensive Plan amendments to strengthen the protection of terrestrial habitat; and

WHEREAS, the Florida Keys Carrying Capacity Study (FKCCS), completed in September 2002, sets out guidelines that, *inter alia*, would direct future development away from "native habitat," and into "areas ripe for redevelopment or already disturbed"; and

WHEREAS, Florida Statute 163.3177(6)(a) requires the adoption and implementation of a future land use element which designates future general distribution, location, and extent of lands used for conservation purposes; and

WHEREAS, Goal 105 of the 2010 Comprehensive Plan, "Smart Growth," was adopted by the Board of County Commissioners in 2001 to comply with the statutory mandate, to

implement Rule 28-20.100, F.A.C., and to provide a framework within the 2010 Comprehensive Plan to implement the FKCCS and other state directives; and

WHEREAS, Objective 105.2 of the 2010 Comprehensive Plan, pursuant to the Rule 28-20.100, F.A.C. mandate, directs the County to map and designate land within the Florida Keys in order to protect environmentally sensitive lands; and

WHEREAS, the Board of County Commissioners (BOCC), at a regular meeting on January 21, 2004, directed Growth Management staff to prepare an ordinance deferring ROGO and NROGO allocation awards in areas containing tropical hardwood hammock or pineland of two acres or greater within Tier I - Conservation and Conservation and Natural Areas (CNA), while staff prepares draft text and map amendments and other supporting studies in order to effectuate the provisions of Goal 105 of the 2010 Comprehensive Plan, and Rule 28-20.100 FAC; and

WHEREAS, the Monroe County Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include: Tier Overlay Map designations in accordance with Goal 105; revisions to ROGO and NROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation and revisions to the environmental regulations based on the Tier system rather than the existing Habitat Evaluation Index; and

WHEREAS, Goal 105 provides a framework for future development and land acquisition for the next 20 years that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability; and

WHEREAS, Tier Maps were developed following the criteria in Goal 105, utilizing computer mapping (GIS), identifying areas appropriate for additional development and those which are important environmentally and should be preserved; and

WHEREAS, the boundaries for the Tier Maps were drawn using environmental and development information and digital data from the Florida Keys Carrying Capacity Study (FKCCS), the Planning Department and the Property Appraisers Office and refined through site visits by the County Biologists and Planners; and

WHEREAS, tropical hardwood hammock size is a major determinate of habitat quality according to the FKCCS; therefore size and connectivity are used in determining the boundary of Tier I areas to identify the best and most important terrestrial habitat areas for preservation; and

WHEREAS, Tier I includes all contiguous tropical hardwood hammock areas above four acres and restoration areas between fragmented smaller hammock patches to increase the hammock size and buffers where possible; and,

WHEREAS, Tier II areas are only designated for Big Pine Key and No Name Key and, along with the Tier I and III designations on these two islands, this designation is based on relative wildlife habitat quality as defined in the Habitat Conservation Plan and previously incorporated into the Monroe County Comprehensive Plan under Policy 101.20.2; and

WHEREAS, the majority of Tier III is appropriate for additional infill development because of the location and amount of existing development in the areas designated; and

WHEREAS, the current Land Development Regulations (LDRs) require properties designated on the 1986 Habitat Maps as hammock and pineland to perform a Habitat Evaluation Index (HEI) to determine the amount of clearing permitted and the negative points awarded in ROGO and NROGO; and

WHEREAS, the HEI is a subject of continuous controversy, is accused of being subjective and since based on 1986 maps, does not take into consideration re-vegetation over the last twenty years; and

WHEREAS, the proposed ordinance removes the requirement for performing an HEI from the 2010 Comprehensive Plan by basing habitat quality and permitted clearing on the Tiers; and

WHEREAS, in addition to changes to implement the Tier system, the Comprehensive Plan amendments also address the requirements for a Land Acquisition Master Plan; and

WHEREAS, the development and implementation of a land acquisition program, coordinated with responsible state and federal agencies, is necessary and required in order to comply with Goal 105 and the state-mandated Work Program; and

WHEREAS, the land acquisition policies adopted herein are consistent with previously adopted comprehensive plan policies, the Florida Keys Carrying Capacity Study, and state requirements; and

WHEREAS, the Planning Commission, after hearing comments at four public hearings, made changes to the staff draft amendments and, at a public hearing on November 3, 2004, recommended approval of the proposed amendments to incorporate changes to the County's environmental regulations based on the Tier system and the elimination of the Habitat Evaluation Index requirement; and

WHEREAS, the Planning and Environmental Resources Department made minor changes to the proposed draft based on direction of the Planning Commission, including text revisions to ensure readability and correct typographical errors or omissions in the text and recommends approval of the proposed amendment to the 2010 Comprehensive Plan; and

WHEREAS, the Board of County Commissioners reviewed, in a series of public hearings held in December 2004 through June 2005, the proposed amendments to the 2010 Comprehensive Plan recommended by the Planning Commission which delete the HEI requirements in the Plan, require an existing conditions report including a vegetation survey, require a grant of conservation easement to protect open space vegetation and limit the clearing of native upland vegetation dependent on the tier system designation, and provide for a Land Acquisition Master Plan; and

WHEREAS, the Board of County Commissioners approved revisions to the proposed amendments and, on June 14, 2005, approved a Resolution to transmit the comprehensive plan amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, the Board of County Commissioners approved in concept revisions to the habitat protection elements of the proposed amendments on August 17, 2005, in response to concerns raised by the Governor and Cabinet and negotiations with the DCA staff; and

WHEREAS, the DCA responded to the County transmittal on September 6, 2005, in an Objection, Recommendations, and Comment report prepared pursuant to Rule 9J-11.010; and

WHEREAS, during a public hearing on September 22, 2005, the Board of County Commissioners reviewed the DCA report, the staff report and response to the DCA report, and revised amendments to the 2010 Comprehensive Plan prepared by staff in response to the DCA report and the direction of the Board; and

WHEREAS, the Board of County Commissioners approved further amendments to this ordinance primarily revising policies in Goal 105 to ensure internal plan consistency of the revised Tier system with the policies of Goal 105, further discourage and reduce clearing of upland native vegetation and to enhance habitat protection elements of the revised Tier system by designating tropical hardwood hammocks or pineland patches of one acre or greater in Tier III for special protection and acquisition by the County; and

WHEREAS, the Board of County Commissioners finds said amendments are consistent with and further the goals, objectives and policies of the Year 2010 Comprehensive Plan.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. Create a new Policy 6 that reads as follows:

Policy 6

Florida's Growth Management System, including rules promulgated by the Administration Commission, has created major mandates of state requirements for Monroe County with respect to the County's designation as an area of critical state concern. These mandates, together with other federal statutes and programs, have created an interlocking partnership between the state, Monroe County and federal agencies to plan for and implement major environmental and growth management systems. This partnership entails responsibilities for the state, federal government, and County to work together in policy development and legal proceedings so that responsibility for liabilities that arise from this partnership are fairly allocated.

Section 2. Delete Policy 101.4.20.

Section 3. Amend Policy 101.4.22 as follows:

Policy 101.4.22

All densities and intensities development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use District (zoning) Overlay Tier Maps and the wetland requirements in Policy 102.1.1. The clearing limits of upland native vegetation areas for properties in the Ocean Reef planned development shall be limited to 40 percent of the existing upland native vegetation. habitat per current Land Development Regulations, Division 8, hereby

~~incorporated by reference. In the case of upland hardwood and pineland forests the open space is determined by the results of the habitat analysis (see Conservation and Coastal Management, Objective 205.2 and related policies). Except as defined in Policy 101.12.4, clearing of upland native vegetation areas in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in the following percentages:~~

<u>Tier</u>	<u>Permitted Clearing</u>
<u>I</u>	<u>20%</u>
<u>II</u>	<u>40% (Big Pine Key and No Name Key)</u>
<u>III</u>	<u>40% or 3,000 s.f., whichever is greater; however, the maximum amount of clearing shall be no more than 7,500 square feet, regardless of the amount of upland native vegetative area.</u>

Section 4. Amend Policy 101.14.1 as follows:

Policy 101.14.1

Monroe County shall discourage developments proposed within the Coastal High Hazard Area (CHHA). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4).~~ [9J-5.006(3)(c)1]

Section 5. Amend Policy 102.1.1 as follows:

Policy 102.1.1

~~Upon adoption of the Comprehensive Plan, The County shall utilize the Environmental Standards, found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (hereby incorporated by reference) to protect submerged lands and wetlands. Accordingly, The open space requirement shall be one hundred (100) percent of the following types of wetlands:~~

1. submerged lands
2. mangroves
3. salt ponds
4. fresh water wetlands
5. fresh water ponds
6. undisturbed salt marsh and buttonwood wetlands

~~Upon adoption of the Comprehensive Plan the County shall further protect its wetlands by requiring a one hundred (100) percent open space requirement for undisturbed salt marsh and buttonwood wetlands and by requiring A 50 foot buffer shall be required around freshwater resources.~~

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds, and mangroves shall not be assigned any density or intensity. [9J-5.006(3) (c) 1 and 6]

Section 6. Amend Objective 102.4 and Policies 102.4.1, 102.4.2, 102.4.3, 102.4.4, and 102.4.5 as follows:

Objective 102.4

Monroe County in cooperation with the state and other acquisition agencies shall prepare a Land Acquisition Master Plan by July 1, 2005 containing a strategy for securing funding, and a determination of those sources considered ~~not to be~~

appropriate for acquisition and management of conservation lands, retirement of development rights and identification and purchase of sites for affordable and employee housing and recreational purposes. Acquisition priorities should be consistent with the tiered system adopted by this plan and as required by the State Work Program in Policy 101.2.13 in order to identify lands appropriate for voluntary purchase consistent with the comprehensive plan policies. By January 4, 1998, Monroe County shall establish the Monroe County Natural Heritage and Park Program. The purpose of this plan shall be to acquire lands and open space in the public interest for conservation and recreation purposes. [9J-5.006(3)(b)4, 10 and 9J-5.010(2)(c)3]

Policy 102.4.1

The Monroe County Land Acquisition Master Plan ~~Natural Heritage and Park Program~~ shall be developed and implemented by the Growth Management Division, in cooperation with the Monroe County Land Authority, FDEP, FDCA, FWC, USFWS with the Parks and Recreation Board and other knowledgeable county and responsible federal and state agencies. [9J-5.006(3)(c)4 and 6]

Policy 102.4.2

The Land Authority and the Growth Management Division shall identify and prioritize the types of lands which shall be considered for acquisition. These lands shall include, at a minimum:

1. ~~lands containing naturally occurring and native habitats;~~
2. ~~lands containing habitat critical to, or providing significant protection for, species designated as threatened or endangered by the U.S. Fish and Wildlife Service and/or State of Florida;~~
1. designated Tier I (Natural Areas) lands as defined in Policy 105.2.1.1, which shall include all contiguous hammock or pineland areas above four acres in area;
2. restoration areas between fragmented hammocks to increase the contiguous hammock size and buffers where appropriate and lands containing naturally occurring and native habitats;
3. fresh water wetlands, and undisturbed salt marsh, and buttonwood wetlands that are required open space under Policy 102.1.1;
4. patches of upland native vegetation of one acre or greater in ~~size~~ area in Tier III, designated as Special Protection Areas, that provide habitat for small birds and animals and contribute to the quality of the neighborhoods;
- 3.5. lands containing unique geologic features;
- 4.6. lands whose conservation would enhance or protect water quality or would protect fish or wildlife habitat, which cannot be adequately protected through local, state and federal regulatory programs;

7. lands in Tier III for employee and affordable housing that do not involve the clearing of any upland native vegetation within a designated Special Protection Area;
58. lands which can be used, without adverse impacts on natural resources, for community and neighborhood parks and/or public beaches water access; and
69. lands which offer the opportunity for preservation of significant archaeological or historical sites; and, ~~[9J-5.006(3)(c)4 and 6]~~
10. lands with habitat value on Big Pine Key and No Name Key to meet mitigation requirements of the Big Pine Key and No Name Key Habitat Conservation Plan. [9J-5.006(3)(c)4 and 6]

Policy 102.4.3

The Land Authority and Growth Management Division shall develop a priority list of ~~Natural Heritage and Park~~ acquisition sites. This list shall be updated annually with public input taken. In formulating this list the County ~~will~~ shall prioritize Tier I lands over Tier II (Big Pine Key and No Name Key) and Tier III lands. Outside the boundaries of Tier I, land with fragmented hammocks and or pinelands of greater than one-acre in size area and wetlands identified in Policy 102.4.2.2 shall be the second highest priority for acquisition. Acquisition of land for affordable housing in Tier III that does not require the involve any clearing within an upland tropical hammock or pineland of one acre or greater in size area shall also be a top priority. ~~will consider freshwater lenses and recharge areas, especially those which overlap the habitats of endangered or threatened wildlife species, as a high priority.~~ [9J-5.006(3)(c)4 and 6]

Policy 102.4.4

The Monroe County Land Acquisition Master Plan shall contain an acquisition financing plan ~~shall be developed annually~~ which identifies potential sources of funding for acquisition of lands on the Priority List. ~~Funding sources which shall be considered include the following:~~ Land acquisition will be a coordinated effort between the state and federal governments and the County. The County shall petition the state and federal government to accept primary responsibility for acquisition of Tier I, conservation and natural lands. The County ~~will~~ shall be responsible for purchases in Tier II (Big Pine Key and No Name Key) and in Tier III of wetlands and fragmented hammock or pineland areas of one-acre or greater. Land acquisition for other priorities depends upon funding availability, need and future use. [9J-5.006(3)(c)4 and 6]

1. ~~Florida Recreation Development Assistance Program;~~
2. ~~Preservation 2000 Trust Fund~~
3. ~~Conservation and Recreation Lands (CARL) Program;~~
4. ~~Land and Water Conservation Fund;~~
5. ~~Urban Parks and Recreation Recovery (UPARR) Action Grants;~~

- ~~6. local funds made available from fair share community park impact fees (paid pursuant to the Monroe County Land Development Regulations); and~~
- ~~7. Local funds as may be made available through special appropriation by the Monroe County Board of County Commissioners. [9J-5.006(3)(c)4 and 6]~~

Policy 102.4.5

An intergovernmental organization and management structure shall be developed to implement the expanded acquisition program, including representatives of the Growth Management Division, Land Authority, municipalities and state and federal agencies.

~~The Growth Management Division shall, in coordination with the Grants Manager, make applications to funding sources as identified in the annual acquisition financing plan. [9J-5.006(3)(c)4 and 6]~~

Section 7. Delete existing Policy 102.4.6 and create new Policy 102.4.6 that reads as follows:

Policy 102.4.6

The Monroe County Land Acquisition Master Plan shall contain policies to direct the overall acquisition program, criteria to follow when setting priorities for acquisition and a framework for the acquisition process and the sharing of responsibilities. At a minimum the plan ~~will~~ shall include the following:

1. Environmental protection, density reduction and passive recreation:
 - a) public acquisition, ownership and maintenance will be the preferred option for Tier I lands and for clusters of undisturbed wetland and tropical hardwood hammock, or pineland ~~lots~~ patches of one acre or greater in size in Tier II (Big Pine and No Name Key) and Tier III;
 - b) buy/sell back to the adjacent property owners option will be followed in Tier II, where sprawl and density reduction and mitigation requirements of the Habitat Conservation Plan for Big Pine Key and No Name Key are the prime impetus for land purchase. A higher priority for acquisition will be given to those parcels in Tier II (Big Pine and No Name Key) with neighboring properties owners or communities who want to partner with the county to purchase the lots and take responsibility for maintenance and protection of any areas of native vegetation;
 - c) purchased lands that can also provide needed recreational opportunities will be identified in coordination with the Parks and Recreation Board and a plan for utilization developed;
 - d) non-purchase options will also be explored and specific recommendations included;
 - e) criteria for the ~~prioritization~~ ranking of land acquisitions within the different priority areas will include 1) the size and the location of the property and surrounding land uses including management status, 2) minimization of the edge to area ratio of parcels by combining lots for acquisition, 3) potential for successful reclamation if within a larger,

better hammock quality area, and 4) maintenance costs for isolated parcels.

2. Affordable and employee housing:

- a) parcels in Tier III ~~that are~~ suitable for the development or redevelopment of six or more residential units will be identified and prioritized for acquisition;
- b) priority for acquisition will be given to projects that are ready to proceed with ROGO allocations available;
- c) public/private/non-profit partnerships and/or agreements will be utilized ~~exist~~ to develop the site and maintain the affordability of residential units in perpetuity.

Section 8. Create new Policy 102.4.7.

Policy 102.4.7

Lands acquired through the Monroe County Land Acquisition Program shall be managed to restore, preserve, and protect the conservation, recreation, density reduction and affordability purposes for which the lands were acquired. (See Recreation and Open Space Objective 1201.11 and related policies.) [9J-5.006(3)(c)4 and 6]

Section 9. Amend Policy 102.7.3 as follows:

Policy 102.7.3

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designating off shore islands as Tier I lands. ~~negative points in the Permit Allocation and Point System~~ [9J-5.006(3)(c)6]

Section 10. Amend Policy 102.8.1 as follows:

Policy 102.8.1

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS). ~~by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related policies)~~ [9J-5.006(3)(c)6]

Section 11. Amend Policy 102.8.5 as follows:

Policy 102.8.5

~~Upon adoption of the Comprehensive Plan,~~ Monroe County shall initiate continue its efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

- 1. a map of the areas of Monroe County which are included in CBRS units;
- 2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior,

Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units; and

3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units; and [9J-5.006(3)(c)6]
4. ~~Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.)~~
~~[9J-5.006(3)(c)6]~~

Section 12. Amend Objective 102.9 and Policies 102.9.1, 102.9.2, 102.9.3, and 102.9.4 as follows:

Objective 102.9

~~By January 4, 1998, In cooperation with other responsible state and federal agencies, Monroe County shall complete and implement a cooperative land management program for private and county publicly owned lands acquired through implementation of the Monroe County Land Acquisition Master Plan (Objective 102.2), Goal 105 and the Florida Keys Carrying Capacity Study FKCCS, located within and adjacent to parks and conservation lands which are owned by the state and federal governments in the Florida Keys. [9J-5.006(3)(b)4]~~

Policy 102.9.1

Monroe County shall discourage developments which are proposed in Tier I through the permit allocation system and the environmental regulations, within Conservation Land Protection Areas (as defined in Policy 102.9.3 below) by methods including, but not limited to, negative points into the Permit Allocation and Point System (see Policy 101.5.7). (See Objectives 101.2, 101.3 and 101.5 and related policies.) ~~[9J-5.006(3)(c)6]~~

Policy 102.9.2

~~Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate Conservation Land Protection Area a planning process to develop policies to direct the over-all management program for publicly owned native lands. Changes in policies and specific management strategies may be modified as the program progresses, acquisitions continue and new information becomes available through biological research or monitoring of the management units. conservation lands in Monroe County. The purpose of these planning efforts will be to identify current and future land use activities which are causing, or have the potential for causing, adverse impacts on sensitive natural features and natural resources within state and federal conservation lands. Land use activities of concern shall include both public and private actions. Monroe County shall complete Conservation Land Protection Area plans for each of the conservation lands in Monroe County by January 4, 1998. [9J-5.006(3)(c)3]~~

Policy 102.9.3

In cooperation with other responsible state and federal agencies, Monroe County shall develop organization and management plans to initiate a program for protection, restoration and management of acquired lands. Management objectives for specific management units will be developed in concert with state, federal and municipal land management programs responsible for adjoining lands. Upon adoption of the Comprehensive Plan, Monroe County, in cooperation with appropriate state and/or federal agencies, shall initiate efforts to identify a Conservation Land Protection Area for each conservation area owned by the state and federal governments in the Florida Keys.

~~These Conservation Land Protection Areas shall include:~~

- ~~1. private lands located within existing park and conservation land boundaries; and~~
- ~~2. private lands and county owned lands within a designated buffer adjacent to each conservation land.~~

~~Buffer areas shall be designated on an individual case basis and shall reflect the resource protection concerns and land ownership patterns specific to a particular conservation land.~~

~~Conservation lands for which a Conservation Land Protection Area shall be designated include the following:~~

- ~~1. Fort Jefferson National Monument~~
- ~~2. National Key Deer Refuge~~
- ~~3. Great White Heron National Wildlife Refuge~~
- ~~4. Key West National Wildlife Refuge~~
- ~~5. Crocodile Lake National Wildlife Refuge~~
- ~~6. John Pennkamp Coral Reef State Park~~
- ~~7. Long Key State Recreation Area~~
- ~~8. Bahia Honda State Park~~
- ~~9. Key Largo Hammock State Botanical Site~~
- ~~10. Lignumvitae Key State Botanical Site~~
- ~~11. Windley Key State Geological Site~~
- ~~12. Indian Key State Historic Site~~
- ~~13. Lignumvitae Key State Aquatic Preserve~~
- ~~14. Biscayne Bay Card Sound State Aquatic Preserve~~
- ~~15. San Pedro Archaeologic Aquatic Preserve~~
- ~~16. Coupon Bight State Aquatic Preserve~~
- ~~17. North Key Largo Hammock CARL Project~~
- ~~18. North Layton Hammock CARL Project~~
- ~~19. Curry Hammock State Park~~
- ~~20. Coupon Bight/Key Deer CARL Project~~
- ~~21. Cowpen's Rookery Preserve~~
- ~~22. Save Our Rivers Big Pine Key Project~~
- ~~23. Fort Taylor State Historic Site~~
- ~~24. Shell Key Aquatic Preserve~~

Policy 102.9.4

Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(c)6]]

~~By January 4, 1998, Monroe County, in cooperation with appropriate state and/or federal agencies, shall develop a management plan for each Conservation Land Protection Area. These plans shall identify actions to be taken by Monroe County within the Conservation Land Protection Area in support of the purpose for which each conservation land was acquired. These actions shall include:~~

- ~~1. land management actions for private lands and county owned lands, particularly as they relate to:
 - a) critical species protection;
 - b) invasive plant removal;
 - c) restoration of disturbed wetland and upland habitat;
 - d) pesticide applications;
 - e) prescribed burning; and
 - f) activities which have potential adverse impacts on nearshore water quality.~~
- ~~2. recommendations regarding permitting of shoreline structures, dredging and filling and substrate alteration;~~
- ~~3. actions to maintain and/or improve public access to state and federal conservation lands;~~
- ~~4. strategies for working cooperatively with private landowners in support of conservation; and~~
- ~~5. future intergovernmental coordination with state and/or federal agencies controlling and/or managing the conservation land. [9J-5.006(3)(e)6]~~

Section 13. Delete Policies 102.9.5 and 102.9.6.

Policy 102.9.5

~~Management plans shall be reviewed every three years, in cooperation with the appropriate state and/or federal agencies. Revisions to each Conservation Land Protection Area and management plan shall be made as necessary to reflect recent land acquisitions and changing management priorities. [9J-5.006(3)(e)6]]~~

Policy 102.9.6

~~Within eighteen months following acquisition of additional conservation lands by the state and federal governments, the County shall, in cooperation with appropriate state and/or federal agencies, designate a Conservation Lands Protection Area for the newly acquired property and complete a management plan. (These actions shall be required only for acquisitions which are not expansions of existing conservation lands.) [9J-5.006(3)(e)6]~~

Section 14. Amend Policy 103.2.1 as follows:

Policy 103.2.1

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement methods including, but not limited to, designating known habitat of the Schaus' swallowtail butterfly as Tier I, the Permit Allocation and Point System in order to discourage developments proposed within hammocks (identified pursuant to Conservation and Coastal Management Policy 207.10.1) used by Schaus' swallowtail butterfly and the lands in the North Key Largo Hammocks CARL Project State Acquisition Area in the permit allocation and point system. (See Policy 101.5.4.) [9J-5.012(3)(c)1; 9J-5.013(2)(c)5 and 6]~~

Section 15. Delete Policy 103.2.2.

Policy 103.2.2

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status, including the American crocodile, the Key Largo wood rat, the Key Largo cotton mouse, and the Schaus' swallowtail butterfly. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J-5.013(2)(c)3]~~

Section 16 Amend Policy 105.2.1 as follows:

Policy 105.2.1

Monroe County shall designate all lands outside of mainland Monroe County, except for the Ocean Reef planned development, into three general categories for purposes of its Land Acquisition Program and smart growth initiatives in accordance with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I); Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key only; and Infill Area (Tier III). The purposes, general characteristics, and growth management approaches associated with each tier are as follows:

1. Natural Area (Tier I): Any defined geographic area where all or a significant portion of the land area is characterized as environmentally sensitive by the policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural Area. New development on vacant land is to be severely restricted and privately owned vacant lands are to be acquired or development rights retired for resource conservation and passive recreation purposes. However, this does not preclude provisions of infrastructure for existing development. Within the Natural Area designation are typically found lands within the acquisition boundaries of federal and state resource conservation and park areas, including isolated platted subdivisions, and privately-owned vacant lands with sensitive environmental features outside these acquisition areas.
2. Transition and Sprawl Reduction Area (Tier II): Any defined geographic area on Big Pine Key and No Name Key where scattered groups and fragments of environmentally sensitive lands, as defined by this Plan, may be found and where existing platted subdivisions are not predominately developed, not served by complete infrastructure facilities, or not within close proximity to established commercial areas, is to be designated as a Transition and Sprawl Reduction Area. New development is to be discouraged and privately owned vacant lands acquired or development rights retired to reduce sprawl, ensure that the Keys carrying capacity is not exceeded, and prevent further encroachment on sensitive natural resources. Within a Transition and Sprawl Reduction Area are typically found: scattered small non-residential development and platted subdivisions with less than 50 percent of the lots developed; incomplete infrastructure in terms of paved roads, potable water, or electricity; and scattered clusters of environmentally sensitive lands, some of which are within or in close proximity to existing platted subdivisions.
3. Infill Area (Tier III): Any defined geographic area where a significant portion of land area is not characterized as environmentally sensitive as defined by this Plan, except for dispersed and isolated fragments of environmentally sensitive lands of less than four acres in area, where existing platted subdivisions are substantially developed, served by complete infrastructure facilities, and within close proximity to established commercial areas, or where a concentration of non-residential uses exists, is to be designated as an Infill Area. New development and redevelopment are to be highly encouraged, except within tropical hardwood hammock or pineland patches of an acre or more in area, where development is to be discouraged. Within an Infill Area are typically found: platted subdivisions with 50 percent or more developed lots situated in areas with few sensitive environmental features; full range of available public infrastructure in terms of paved roads, potable water, and electricity; and concentrations of commercial and other non-residential uses within close proximity. In some Infill Areas, a mix of non-residential and high-density residential uses (generally 8 units or more per acre) may also be found that form a Community Center.

Section 17. Amend Policy 105.2.3 as follows:

Policy 105.2.3

The priority for acquisition of lands and development rights under the County's Land Acquisition Program shall be ~~as follows: Tier I (Natural Area) first priority; Tier II (Transition and Sprawl Reduction Area) second priority; and Tier III (Infill Area) third priority; except acquisition of land for affordable housing shall also be a first priority; pursuant to Policy 102.4.3~~ These acquisition priorities shall be applied consistent with ~~the~~ Policy 105.2.10 that directs the focus of the County's acquisition efforts to the acquisition or retirement of development rights of privately owned vacant platted subdivision lots within Tiers I and II. Federal, State and local funding will be used for purchasing privately owned vacant lands for Tier II.

Section 18. Amend Policy 105.2.6 as follows:

Policy 105.2.6

Monroe County shall implement a land acquisition program to acquire most privately owned vacant private lands within areas designated as a Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key and patches of tropical hardwood hammock or pinelands of one acre or greater in area identified as a Special Protection Area within a designated Infill Area (Tier III).

Section 19. Amend Policy 105.2.7 as follows:

Policy 105.2.7

Monroe County shall implement an ~~limited land~~ acquisition program to acquire privately owned vacant lands disturbed or scarified ~~with sensitive environmental features for conservation purposes and scarified~~ properties for affordable housing within areas designated as an Infill Area (Tier III).

Section 20. Amend Policy 105.2.10 as follows:

Policy 105.2.10

In terms of effort, Monroe County shall primarily focus its Land Acquisition Program on the acquisition or retirement of development rights of vacant privately-owned, buildable, platted lots within Tier I and Tier II and the acquisition of scarified and disturbed lands for affordable housing within Tier III. This policy recognizes the critical need for the County to aggressively address the imbalance between development expectations of private property owners and the finite carrying capacity of the natural and man-made systems in the Florida Keys.

Section 21. Amend Policy 105.2.12 as follows:

Policy 105.2.12

With respect to the relief granted pursuant to Policy 106.1 (Administrative Relief) or Policy 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for any land ~~within Tier I and Tier II, or any land within Tier III in accordance with~~ meeting the criteria in Policy 101.6.5.

Section 22. Amend Policy 204.2.1 as follows:

Policy 204.2.1

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Environmental Standards found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (hereby incorporated by reference) To protect submerged lands and wetlands. Accordingly To protect submerged lands and wetlands the open space ratio shall be 100 percent of the following types of wetlands:~~

1. submerged lands;
2. mangroves;
3. salt ponds;
4. freshwater wetlands;
5. freshwater ponds; and
6. undisturbed saltmarsh and buttonwood wetlands.

Allocated density (dwelling units per acre) shall be assigned to freshwater wetlands and undisturbed salt marsh and buttonwood wetlands only for use as transferable development rights away from these habitats. Submerged lands, salt ponds, freshwater ponds and mangroves shall not be assigned any density or intensity. (9J-5.012(3)(c)1 and 2; 9J-5.013(2)(c)6)

Section 23. Amend Objective 205.1 and Policies 205.1.1, 205.1.2, 205.1.3, 205.1.4, 205.1.5, and 205.1.6 as follows:

Objective 205.1

~~By January 4, 1998, Monroe County shall utilize the computerized geographical information system (GIS) and the data, analysis and mapping generated in the Florida Keys Carrying Capacity Study (FKCCS), FMRI, habitat maps and field evaluation to which will provide more current and more refined data on upland vegetation in the Florida Keys identify and map areas of upland vegetation in the Florida Keys and to prepare Tier Overlay District Maps as required in Policy 105.2.2. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]~~

Policy 205.1.1

The County shall establish the following criteria at a minimum to use when a field a consistent methodology and criteria for mapping and evaluating upland habitats designating Tiers: [9J-5.013(2)(c)9]

1. Land located outside of Big Pine Key and No Name Key shall be designated as Tier I based on following criteria:
 - Natural areas including old and new growth upland native vegetated areas, above 4 acres in size area.
 - Vacant land which can be restored to connect upland native habitat patches and reduce further fragmentation of upland native habitat.
 - Lands required to provide an undeveloped buffer, up to 500 feet in depth, if indicated by appropriate special species studies, between natural areas and development to reduce secondary impacts; canals or roadways, depending on size may form a boundary that removes

- the need for the buffer or reduces its depth.
 - Lands designated for acquisition by public agencies for conservation and natural resource protection.
 - Known locations of threatened and endangered species.
 - Lands designated as Conservation and Residential Conservation on the Future Land Use Map or within a buffer/restoration area as appropriate.
 - Areas with minimal existing development and infrastructure.
- 2. Lands on Big Pine Key and No Name Key designated as Tier I, II, or III shall be in accordance with the wildlife habitat quality criteria as defined in the Habitat Conservation Plan for those islands.
- 3. Lands located outside of Big Pine Key and No Name Key that are not designated Tier I shall be designated Tier III.
- 4. Designated Tier III lands located outside of Big Pine Key and No Name Key with tropical hardwood hammock or pinelands of one acre or greater in area shall be designated as Special Protection Areas.
- 5. Lands within the Ocean Reef planned development ~~are~~ shall be excluded from any Tier designation.

Policy 205.1.2

The County shall ~~complete-ground-truthing of~~ the upland habitats identified in the ADID habitat maps, aerial photography, satellite imagery and the FKCCS, including mapping and preliminary habitat evaluations. Priority shall be given to natural upland communities of four acres or greater identified in the Florida Natural Areas Inventory. [9J-5.013(2)(c)9]

Policy 205.1.3

The County shall enter ground-truthed upland native vegetated area location and evaluation data into the Geographic Information System (GIS) and use the GIS to analyze the data and prepare the Tier Overlay District Maps for adoption as required in Policy 105.2.2. [9J-5.013(2)(c)9]

Policy 205.1.4

The GIS will be used to evaluate the lands designated in the different Tiers, identifying vacant lands, platting and ownership status, zoning, and appraised values for acquisition planning. ~~Vegetation data shall be plotted on the GIS at a scale of 1 inch equals 200 feet.~~ [9J-5.013(2)(c)9]

Policy 205.1.5

Land management activities, land acquired ~~Habitat evaluation index~~ and permit data shall be incorporated into the GIS annually. [9J-5.013(2)(c)9]

Policy 205.1.6

The County shall coordinate its upland native vegetation mapping and evaluation efforts with those of federal and state agencies and private researchers so as to avoid duplication of effort. These agencies shall include, at a minimum, the

Environmental Protection Agency (EPA), Army Corps of Engineers (ACOE), ~~DER, DNR, Florida Department of Environmental Protection (FDEP), Florida Department of Community Affairs (FDCA),~~ South Florida Water Management District (SFWMD), Florida Fish and Wildlife Conservation (FGFWFC), and nongovernmental environmental groups ~~the National Audubon Society (Research Department).~~ [9J-5.013(2)(c)9]

Section 24. Amend Objective 205.2 and Policies 205.2.1, 205.2.2, 205.2.6, 205.2.7, 205.2.12, and 205.2.14 as follows:

Objective 205.2

To implement Goal 105 of this Plan and the recommendations in the Florida Keys Carrying Capacity Study (FKCCS), Monroe County shall adopt revisions to the Land Development Regulations which further protect and provide for restoration of the habitat values of upland native vegetated communities, including hardwood hammocks and pinelands. [9J-5.012(3)(b)1; 9J-5.013(2)(b)3]

Policy 205.2.1

Monroe County shall designate the boundaries of the overlay tier system based on the criteria in Policy 205.1.1.

~~Upon adoption of the Comprehensive Plan, the County shall utilize the Habitat Evaluation Index (HEI), found in Section 9.5 336 through 9.5 342 of the Land Development Regulations, hereby incorporated by reference, to evaluate and protect sensitive habitats of the Florida Keys.~~

~~Upon adoption of the Comprehensive Plan, Monroe County shall complete revisions to the HEI which shall include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. The comprehensive plan shall be amended to include the HEI revision.~~

Policy 205.2.2

~~Upon adoption of the Comprehensive Plan, Monroe County shall implement the Permit Allocation and Point System. Monroe County shall discourage assign a negative point rating to developments in Tier I and within tropical hardwood hammock or pinelands of one acre or more in area, which disturb to protect areas of native upland vegetation. Sites having high quality native upland vegetation shall receive a greater negative point rating than sites having medium and low~~

~~quality native upland vegetation. Habitat value shall be determined through application of measures as specified in the HEI. (See Policy 101.5.4). [9J-5.012(3)(c)1, 2 and 3; 9J-5.014(2)(c)6]~~

Policy 205.2.6

The permitted clearing of native upland vegetation communities shall be defined by habitat and the location of the property in the tier overlay district maps, which exhibit functional integrity and viability shall meet or exceed their existing percentages, as follows: Clearing of upland native vegetation communities in the Tiers I, II, and III shall be limited for the portion of the property containing upland native vegetation in accordance with Policy 101.4.22.

~~1. high hammock~~

high quality	0.80
moderate quality	0.60
low quality	0.40
disturbed	0.40

~~2. low hammock~~

high quality	0.80
moderate quality	0.60
low quality	0.40
disturbed	0.40

~~3. palm hammock 0.90~~

~~4. cactus hammock 0.90~~

~~5. pinelands~~

high quality	0.80
low quality	0.60
disturbed	0.60

~~6. scarified 0.20~~

~~The definition for open space shall be that currently contained in Section 9.5.4(O-3) of the F.S. 380.05 compliant Land Development Regulations, hereby incorporated by reference.~~

Policy 205.2.7

Clearing of native vegetation shall be limited to the percentage and maximum allowed in Policy 101.4.22, and shall be called the immediate development area. For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of upland native vegetation shall be limited to the clearing permitted in 101.4.22 or a maximum of 5,000 square feet-whichever is less. The immediate development area shall include the area of approved clearing shown on the approved site plan. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground

surface and vegetation within areas of native upland vegetation not approved for clearing. ~~required open space areas.~~ [9J-5.013(2)(c)3]

Policy 205.2.12

Monroe County shall ~~apply all environmental regulations including use as a baseline to determine the clearing that may be permitted on a site according to the use the~~ legal conditions of land existing as of February 28, 1986 and as depicted on the "December 1985 Habitat Classification Aerial Photographs," hereby incorporated by reference as a base line for the type and extent of habitat on a parcel. The 1985 maps shall be supplemented by recent aerial photography and existing site analysis to determine any increases in the amount of upland native vegetated areas. ~~include a disclaimer statement to advise the public that the maps are generalized and that habitat designations are subject to verification through field inspections.~~

Policy 205.2.14

Monroe County shall require, in the Land Development Regulations an Existing Conditions Report including a vegetation survey for any development that may disturb native upland vegetation. At a minimum the report shall include an analysis of the potential impacts of the proposed development on native upland habitats and a description of the measures designed to reduce identified adverse impacts, including clustering.

Section 25. Amend Objective 205.5 and Policies 205.5.1 and 205.5.2, as follows:

Objective 205.5

Monroe County, together with private, state, and federal agencies, shall establish a program for acquiring ~~undisturbed~~ native upland habitat to implement Goal 105 and the recommendations in the FKCCS. (See Future Land Use Objective 102.4 and related policies). [9J-5.012(3)(b)4; 9J-5.013(2)(c)6]

Policy 205.5.1

The Monroe County ~~Department of Environmental Resources~~ Division of Growth Management shall work cooperatively with the Monroe County Land Authority and other responsible state and federal agencies in developing and administering the acquisition program. Acquisition shall be undertaken ~~as part of to implement~~ the Monroe County Land Acquisition Master Plan (Objective 102.4) ~~Natural Heritage and Park Program.~~ [9J-5.012(3)(c)2; 9J-5.013(2)(c)6]

Policy 205.5.2

A list of priority native upland habitat acquisition sites in Tier I shall be drafted and ~~updated~~ reviewed annually with public input taken. This list shall be developed by Monroe County in consultation with representatives of DNR, FDEP, FDCA, USFWS, SFWMD, FWC ~~the National Audubon Society Research Department, The Nature Conservancy,~~ and others as appropriate. ~~Priority native upland vegetation acquisition sites shall include those which:~~

- ~~1. are determined to be high quality habitat and are designated in the Tier I overlay district (through the HEI);~~

- ~~2. include plant species of special status endemic species;~~
- ~~3. are documented habitat for wildlife species of special status;~~
- ~~4. are may be located within Improved Subdivisions; and/or~~
- ~~5. are documented as significant coastal upland natural communities by the Florida Natural Areas Inventory. [9J 5.012(3)(c)2; 9J 5.013(2)(c)6]~~

Section 26. Delete Policy 207.1.2, and renumber Policies 207.1.3, 207.1.3, 207.1.4, and 207.1.5 to 207.1.2, 207.1.3, and 207.1.4 respectively.

~~Policy 207.1.2~~

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Sections 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to give greater consideration to the habitat of species of special status and critical nesting/feeding areas for birds. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those~~

Section 27. Delete Policy 207.10.5. and renumber Policy 207.10.6, 207.10.7, and 207.10.8 to 207.10.5, and 207.10.6, and 207.10.7 respectively.

~~Policy 207.10.5~~

~~Upon adoption of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J 5.013(2)(e)3]~~

Section 28. Delete Policy 207.12.6 and renumber Policies 207.12.7, 207.12.8 to 207.12.6 and 207.12.7 respectively.

Policy 207.12.6

~~Upon completion of the Comprehensive Plan, the existing Habitat Evaluation Index (HEI), found in Section 9.5 336 through 9.5 342 of the Land Development Regulations (Monroe County BOCC, 1990), and which is adopted by reference in this Comprehensive Plan, shall be revised to better protect high quality upland vegetative communities and threatened and endangered species. The HEI shall be revised to include, at a minimum, the following:~~

- ~~1. a written methodology for completing the HEI;~~
- ~~2. requirements for integrating data regarding the historic sightings of rare and endangered species and critical nesting/feeding areas for birds; and~~
- ~~3. evaluation criteria which will better differentiate high, medium and low quality habitat.~~

~~Before adoption, the revisions shall undergo scientific peer review by experts in terrestrial and wildlife ecology. To the extent possible, the reviewers shall include those individuals who participated in development of the existing HEI methodology. (See Policy 205.2.1.) [9J 5.013(2)(e)3]~~

Section 29. Delete Objective 1201.13.

Objective 1201.13

~~By January 4, 1998, Monroe County shall establish and implement the Monroe County Natural Heritage and Park Program. The purpose of this program shall be to acquire lands and open space in the public interest for conservation and recreation purposes. (See Future Land Use Objective 102.4 and related policies.) [9J 5.014(3)(b)1 and 2]~~

Section 30. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 31. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict. The repeal of an ordinance herein shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Section 32. This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 33. Section 32. This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs in accordance with the requirements of 9J-11.011, Florida Administrative Code.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, A.D. , 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray E. Nelson _____

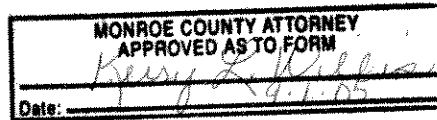
BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

BY: _____
Mayor/Chairperson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

BY: _____
Deputy Clerk



STAFF REPORT

MEMORANDUM

TO: Board of County Commissioners

FROM: Timothy J. McGarry, AICP
Director of Growth Management

DATE: September 1, 2005

SUBJECT: **Final Draft Ordinance Amending Environmental Requirements and Goal 105/Tier System Elements of Year 2010 Comprehensive Plan**

Overview

The Board of County Commissioners is requested to approve the final draft ordinance for adoption and submittal to DCA for compliance review. This final draft ordinance incorporates revisions to the initial draft ordinance approved by the Board for transmittal to DCA. The revisions made by staff to the initial draft ordinance are based on the *Action Plan* approved by the Board on August 17, 2005, to further enhance habitat protection and the oral review comments of the DCA staff.

Background

On June 15, 2005, the Board of County Commissioners approved a resolution transmitting the initial draft ordinance to DCA for review and comment. Subsequent to that transmittal, the Governor and Cabinet, while sitting as the Florida Administrative Commission in consideration of approving Rule 28-20.100, F.A.C., requested on August 10, 2005, that Monroe County make revisions to its proposed Tier system regulations to enhance habitat protection.

In response, the Board of County Commissioners at its August 17, 2005, regularly scheduled meeting, approved a "*Proposed Action Plan to Provide Further Habitat Protection under the Monroe County Comprehensive Plan and Land Development Regulations*" ("*Action Plan*"), which is attached. The *Action Plan* was supported by DCA Secretary Cohen, who was present at the Commission meeting.

Based on the *Action Plan* and discussions with DCA staff reviewing the initial draft ordinance, the staff prepared revisions to the ordinance. The revised draft ordinance was sent to the DCA staff for informal review to ensure that revisions made by the County would adequately respond to formal comments being prepared by DCA staff on the initial draft ordinance.

Formal written review comments had not yet been received from DCA on the transmitted ordinance prior to the revised draft ordinance being placed on the BOCC agenda; however, based on discussions with DCA staff, the staff believes concerns raised by DCA concerning the transmitted draft ordinance have been adequately addressed in the final draft ordinance.

In addition to preparing revisions to the transmitted draft ordinance, the staff has prepared a **draft** set of maps depicting tropical hardwood hammock and pinelands of one acre or greater in the **general** location of areas that will be designated as “Special Protection Areas” (called “Tier III-A” in *Action Plan*) in Tier III, which are attached. [Preliminary data prepared by staff indicates that approximately 980 parcels out of 1850 parcels in the “old” Tier II would be included in the Special Protection Area designation.] The designation of “Special Protection Areas” will be adopted late this year by amending the County’s Land Development Regulations and Land Use District Map with a Tier Overlay District Map designation..

Before the Tier Overlay District Map is adopted, the staff will perform site visits and review the latest aerial photography to come up with the proposed boundaries for the Special Protection Areas. Public input on the draft Tier Overlay District Map including the proposed Special Protection Areas designations will be sought through public workshops prior to the public hearings before the Board of County Commissioners.

Summary of Revisions

In addition to substantive changes to the draft based on the *Action Plan* and DCA staff concerns, the staff has also made minor editing revisions to the ordinance. The final draft ordinance indicates changes from the initial draft ordinance submitted to DCA for review with a “~~double strikethrough~~” for newly deleted language and with a “double underline” for newly inserted language.

The substantive revisions to the initial draft ordinance include the following:

- Placement of a maximum clearing limit of 7,500 square feet on clearing of upland native vegetation within Tier III.
- Inclusion of a requirement and criteria for designation as “Special Protection Areas”, all tropical hardwood hammock and pineland habitat patches of one acre or greater located within Tier III;
- Amendment to policies under Goal 105, based on the revised Tier system, to ensure internal consistency between policies in the Comprehensive Plan; and
- Inclusion of lands designated within Special Protection Areas as high priority acquisition areas for conservation purposes

Recommendation

The staff recommends approval of the revised final draft ordinance.

Attachments:

- *Proposed Action Plan to Provide Further Habitat Protection Under the Monroe County Comprehensive Plan and Land Development Regulations*
- Draft Tier Overlay District Maps

ACTION PLAN

**PROPOSED ACTION PLAN
TO PROVIDE
FURTHER HABITAT PROTECTION
UNDER THE MONROE COUNTY COMPREHENSIVE
PLAN AND LAND DEVELOPMENT REGULATIONS**

In response to concerns raised by the Governor and Cabinet and Department of Community Affairs, the Board of County Commissioners agrees to the following actions to further improve habitat protection to meet the Work Program objectives established in Rule 28-20.100:

1. Prepare necessary revisions to the two draft ordinances amending the Comprehensive Plan, previously submitted to the Department of Community Affairs for review and comment, that accomplish the following:

- A. Classify all Tier III parcels and lots into one of the following two sub-designations:

- 1) Tier III-A: Parcels or lots located partially or wholly within an tropical hardwood hammock or pineland patch of one (1) or more acres in area. Other than U.S. 1, roads will not constitute a break in contiguity.

In this sub-designation, lots or parcels will receive a ROGO scoring of +20 points if any portion of a tropical hardwood hammock or pineland contained within a patch of one (1) or more acres in area is to be cleared. Lots and parcels will receive a ROGO scoring of +30 points if no portion of a tropical hardwood hammock or pineland contained within a patch of one (1) or more acres in area is to be cleared.

The County will actively pursue purchase of any parcels and lots within habitat patches of one acre or more in area. The preferred administrative relief option for these properties will be to purchase.

- 2) Tier III-B: Parcels and lots located wholly outside of any tropical hardwood hammock or pineland patch of one (1) or more acres in area. Other than U.S. 1, roads will not constitute a break in contiguity.

Within this sub-designation, lots and parcels will receive a ROGO scoring of +30 points.

[Note: Under both sub-designations, Tier III-A or Tier III-B, clearing of tropical native hardwood hammock or pinelands will be limited to no more than 3,000 square feet or 40 percent, whichever is greater as currently proposed. No matter what designation any clearing of tropical hardwood hammock or pinelands will require payment of a mitigation fee to the County's Land Environmental Restoration and Management Fund.]


- B. Revise Goal 105 and other relevant Comprehensive Plan policies to ensure internal consistency between the revised Tier System and other Comprehensive Plan policies.
- 2. Adopt, at the Commission's September 21, 2005, meeting, ordinances amending the Comprehensive Plan that incorporate the revisions listed in Point 1 above.
- 3. Prepare further revisions to the draft Land Development Regulations to implement the above revisions to the Comprehensive Plan and adopt these ordinances by no later than December 21, 2005.
- 4. Prepare final Tier Overlay District Maps, that include designating lots and parcels within Tier III as Tier III-A or Tier III-B sub-designations, based on most recent aerial photography and site visits and, adopt the Tier Overlay District Maps by no later than December 21, 2005.

Maps will be provided at the Commission meeting depicting upland habitat patches of one-acre or more in area in the Upper Keys. [Note: These maps do not take into account any breaks in contiguity due to the presence of roads.]

MAPS

Draft Tier Overlay District with Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

 Military Land

*Big Pine and No Name
Key Only*

 Tier II

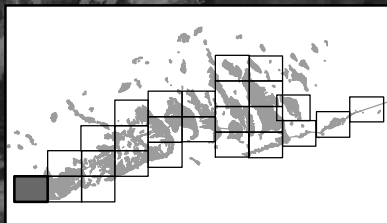
 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial

0 0.25 0.5

Miles



MONROE COUNTY

PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

THIS MAP IS FOR MONROE COUNTY GROWTH MANAGEMENT DIVISION
PURPOSES ONLY. THE DATA CONTAINED HEREIN IS ILLUSTRATIVE AND MAY
NOT ACCURATELY DEPICT BOUNDARIES, PARCELS, ROADS, RIGHT OF WAYS,
OR IDENTIFICATION INFORMATION.

Created By: KR August 2005

Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

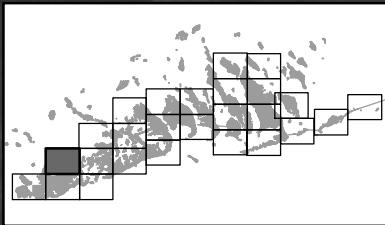
- Tier I - Natural Area
- Tier III - Infill
- Military Land

Big Pine and No Name Key Only

- Tier II

Upland Greater than or equal to 1 Acre

- Mile Marker
- 2002 Aerial



MONROE COUNTY

PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

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Created By: KR August 2005



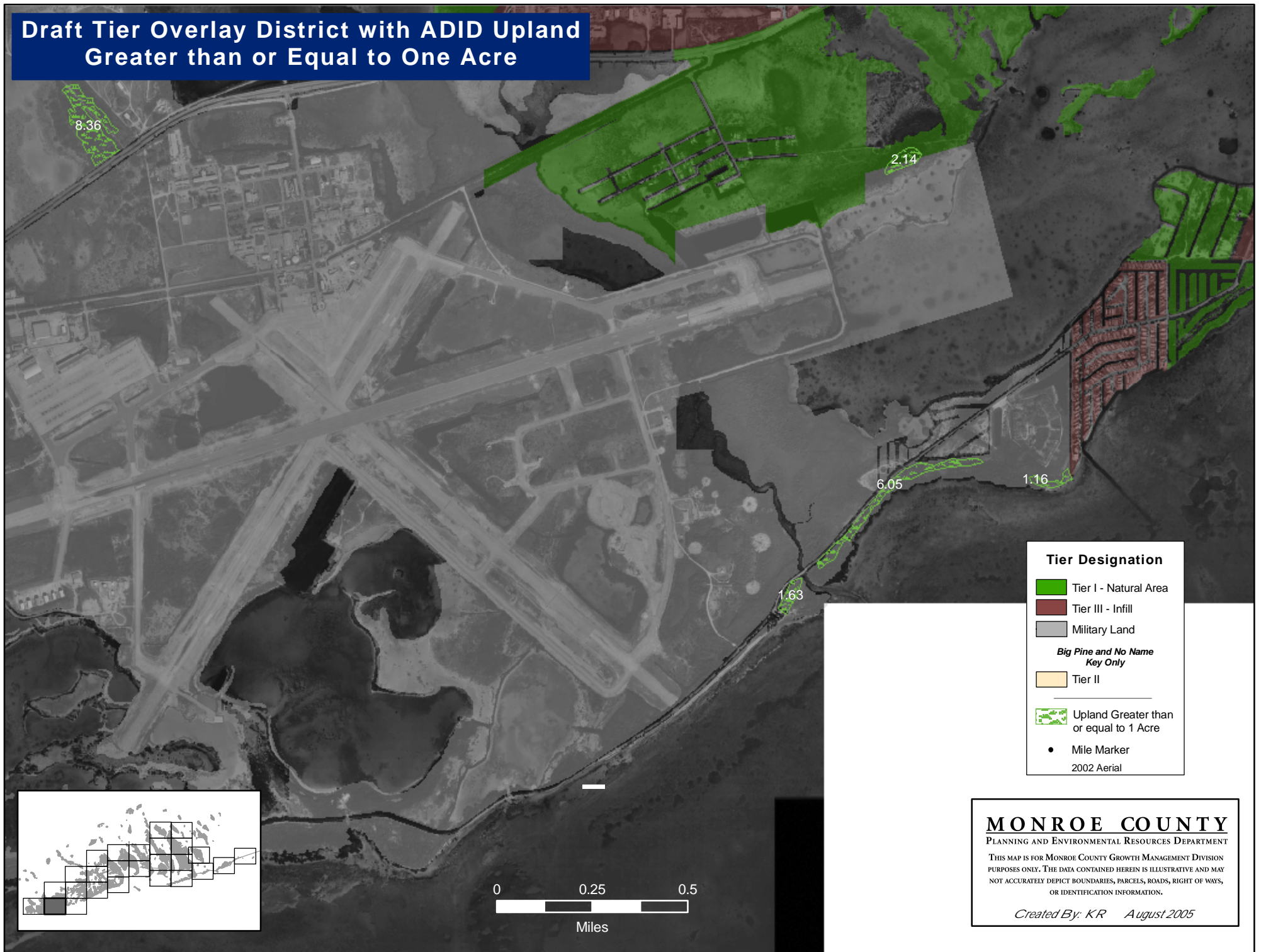
10.43

11.60

1.25

1.43

Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Tier Designation

- Tier I - Natural Area
- Tier III - Infill
- Military Land
- Big Pine and No Name
Key Only*
- Tier II
- Upland Greater than
or equal to 1 Acre
- Mile Marker
- 2002 Aerial

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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

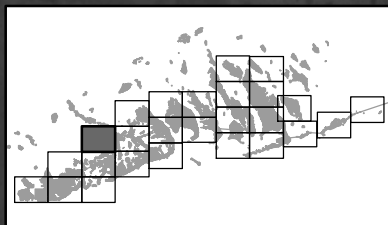
 Military Land

*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker
2002 Aerial



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Tier Designation


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 Tier III - Infill

 Military Land

*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial

0 0.25 0.5
Miles

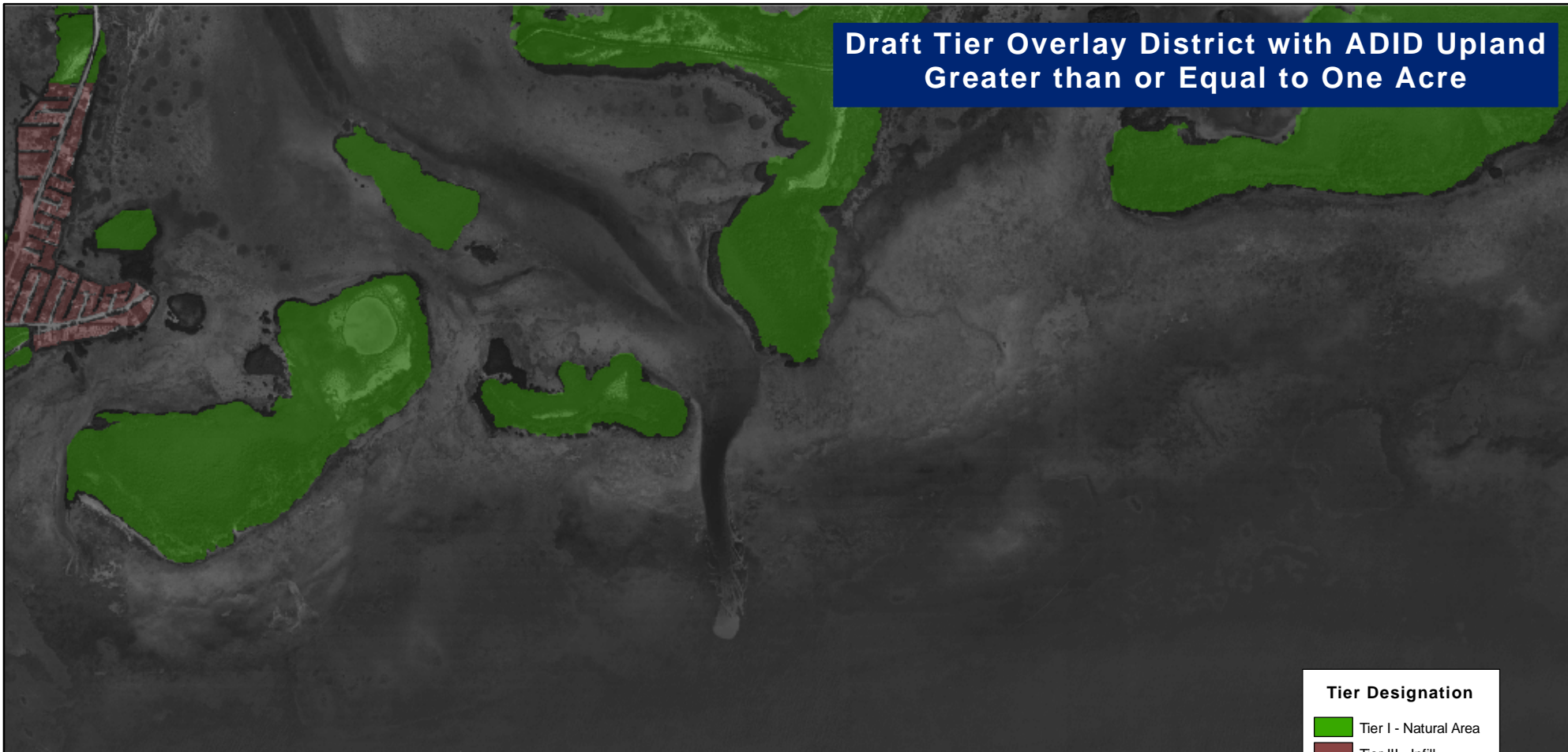
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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Tier Designation


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 Tier III - Infill

 Military Land

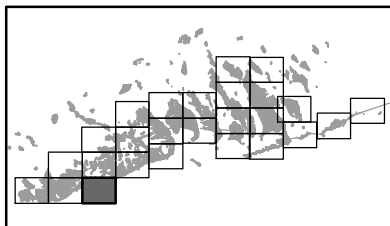
*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial



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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

Tier I - Natural Area

Tier III - Infill

Military Land

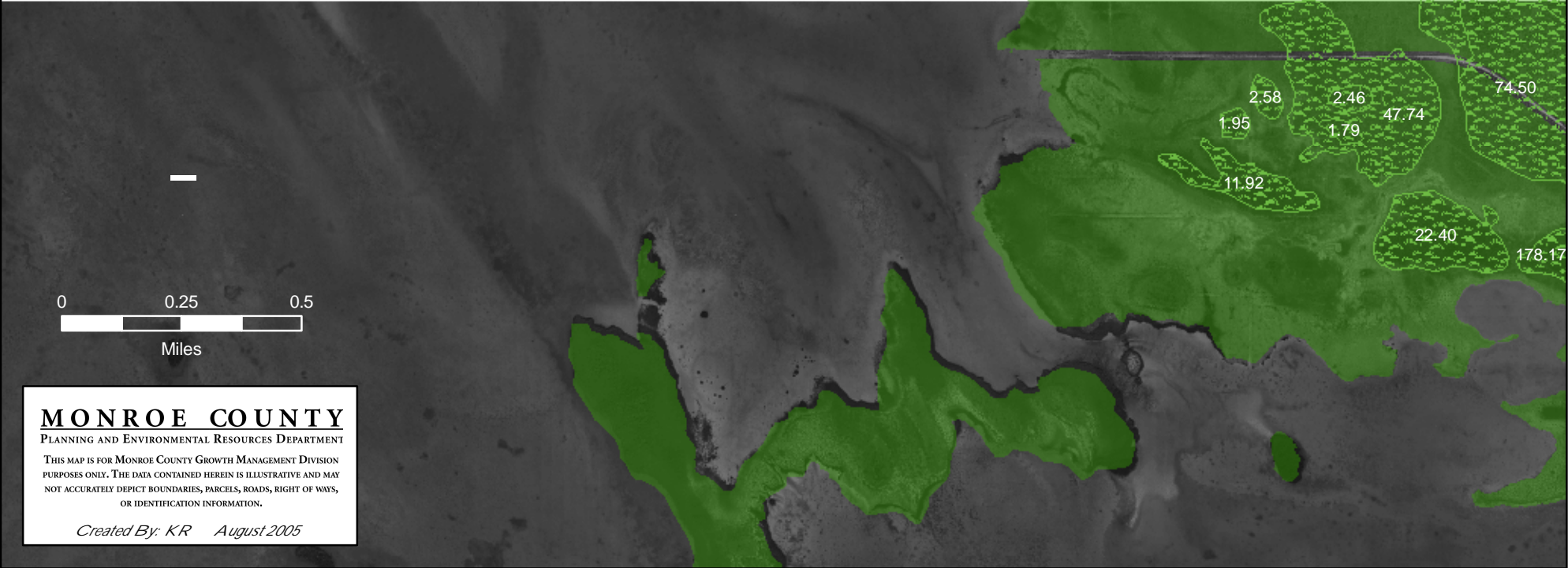
*Big Pine and No Name
Key Only*

Tier II

Upland Greater than
or equal to 1 Acre

Mile Marker

2002 Aerial



Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

 Military Land

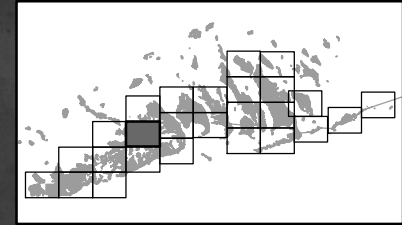
*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial



4.19

2.93

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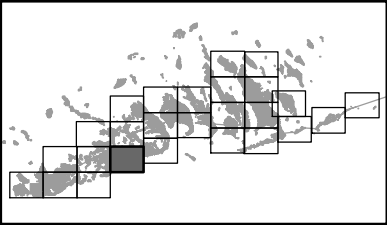
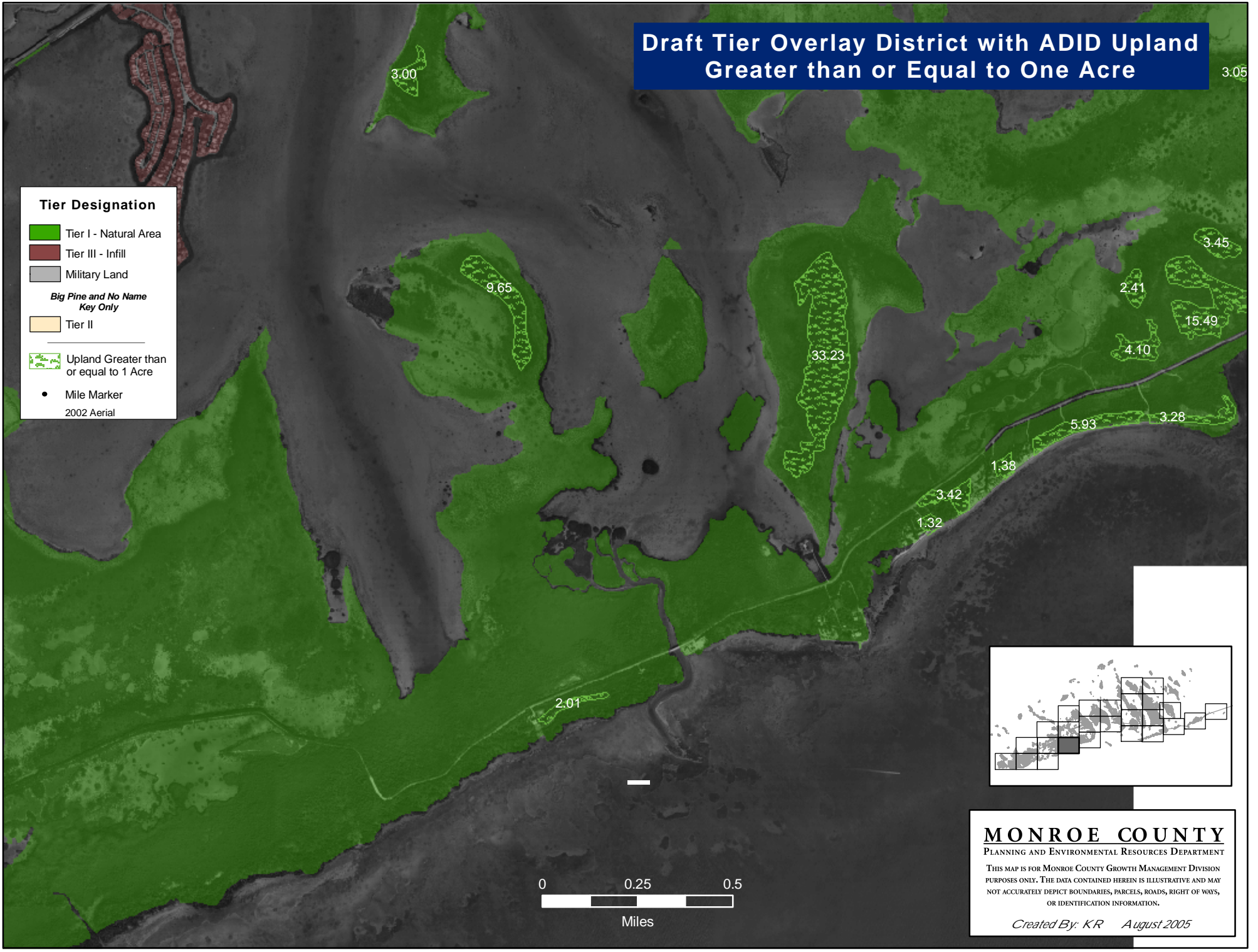
Created By: KR August 2005

0 0.25 0.5
Miles

**Draft Tier Overlay District with ADID Upland
Greater than or Equal to One Acre**

Tier Designation

- Tier I - Natural Area
- Tier III - Infill
- Military Land
- Big Pine and No Name Key Only*
- Tier II
- Upland Greater than or equal to 1 Acre
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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

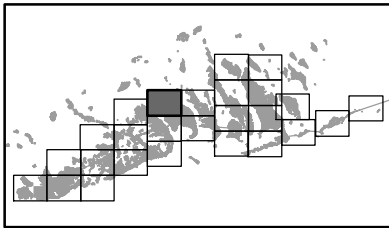
 Military Land

Big Pine and No Name Key Only

 Tier II

 Upland Greater than or equal to 1 Acre

• Mile Marker
2002 Aerial

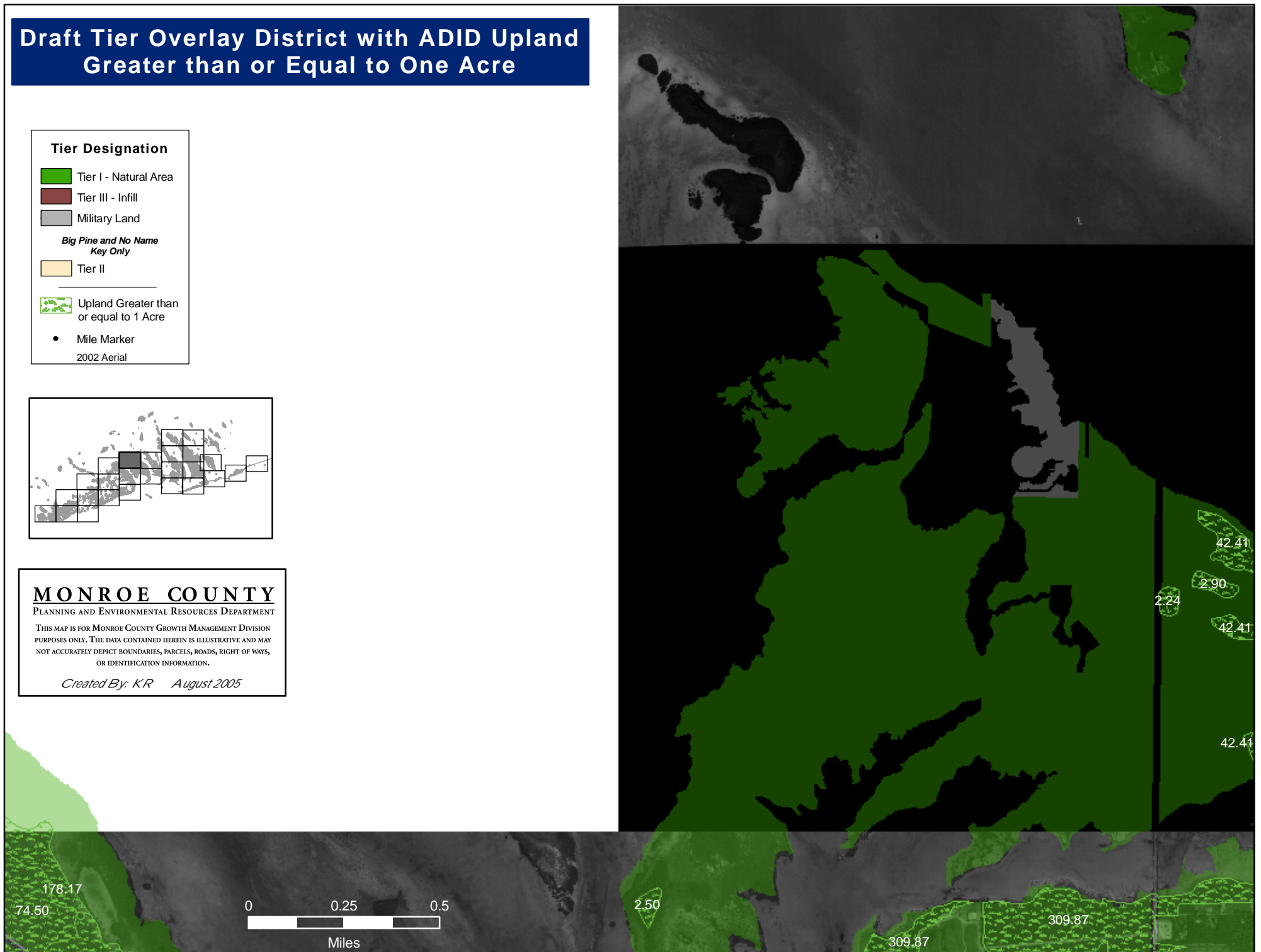


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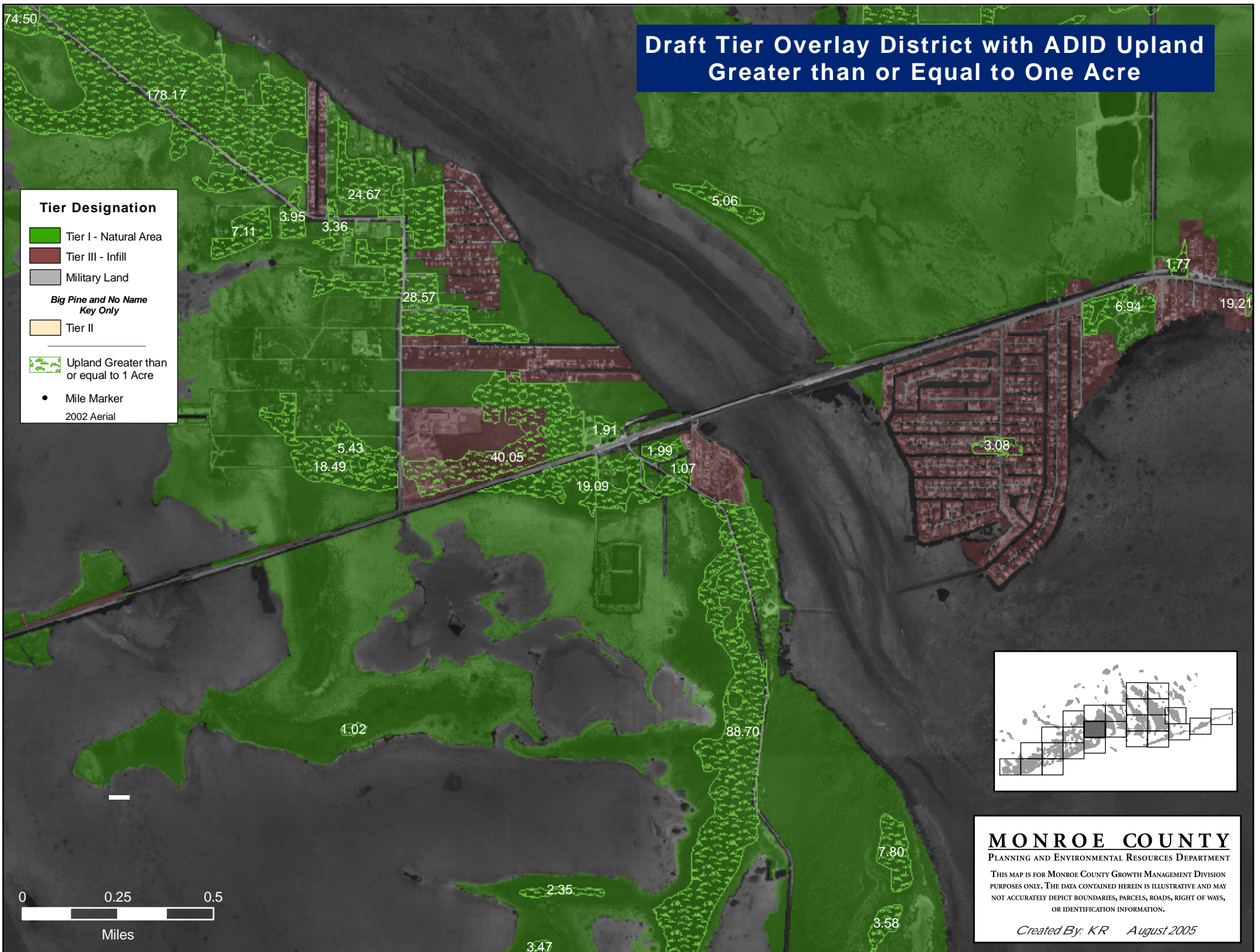
Created By: KR August 2005



Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

- Tier I - Natural Area
- Tier III - Infill
- Military Land
- Big Pine and No Name Key Only*
- Tier II
- Upland Greater than or equal to 1 Acre
- Mile Marker
- 2002 Aerial



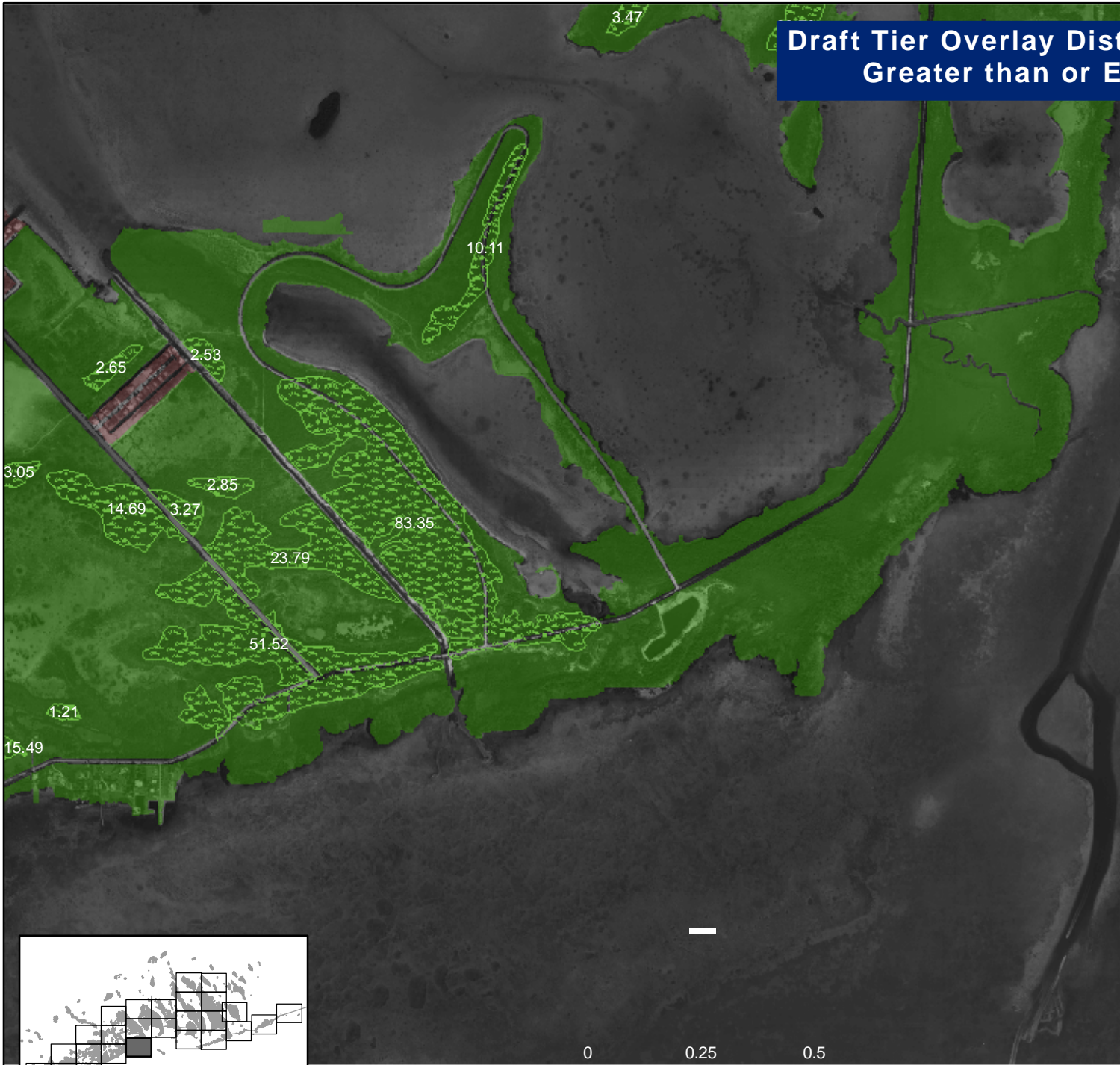
MONROE COUNTY

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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Tier Designation

- Tier I - Natural Area
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- Military Land
- Big Pine and No Name Key Only*
- Tier II
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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

 Military Land

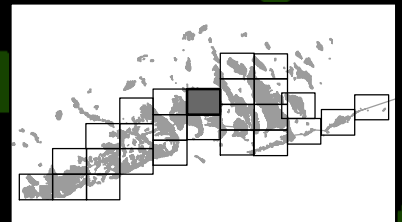
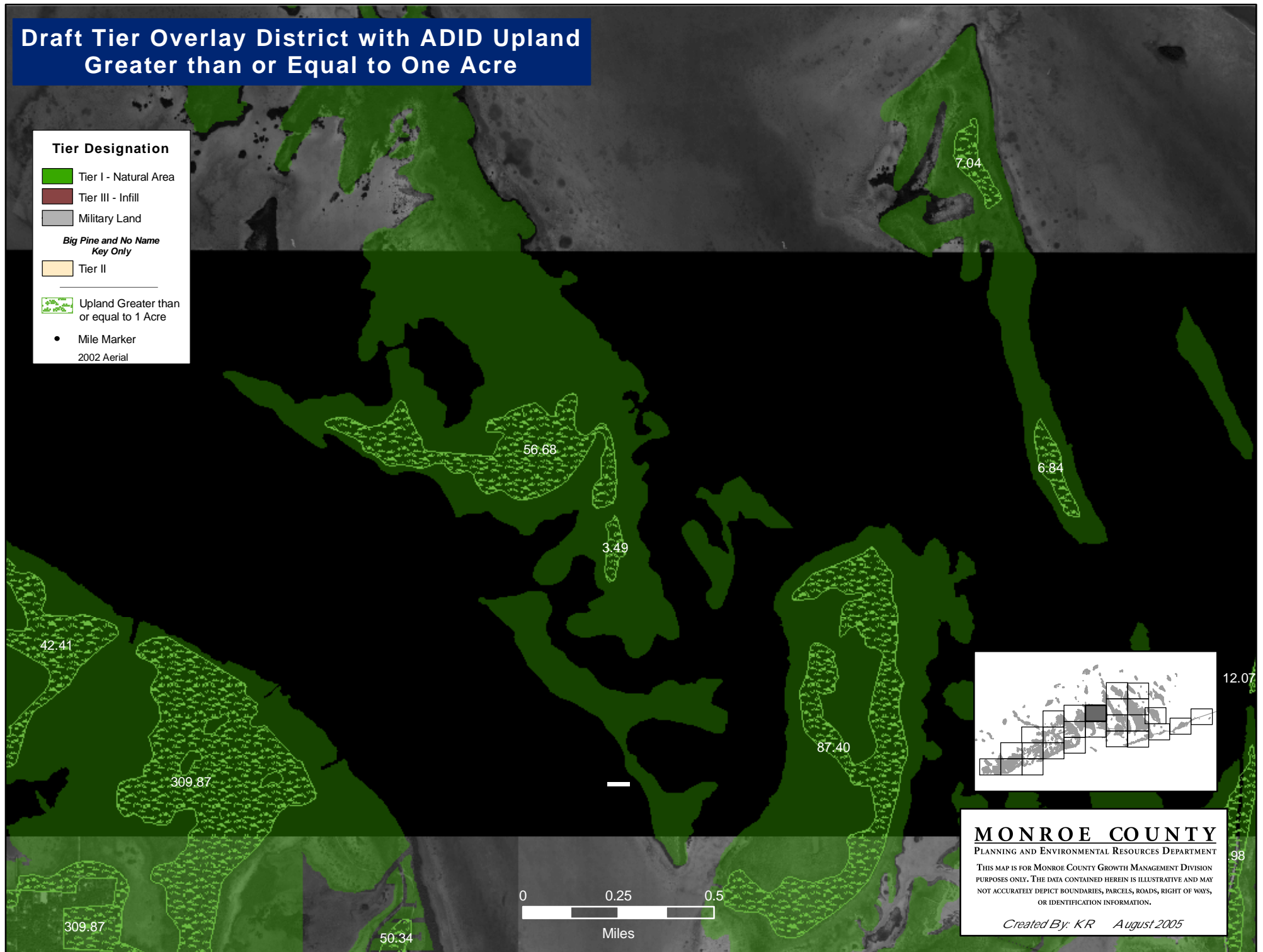
*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial



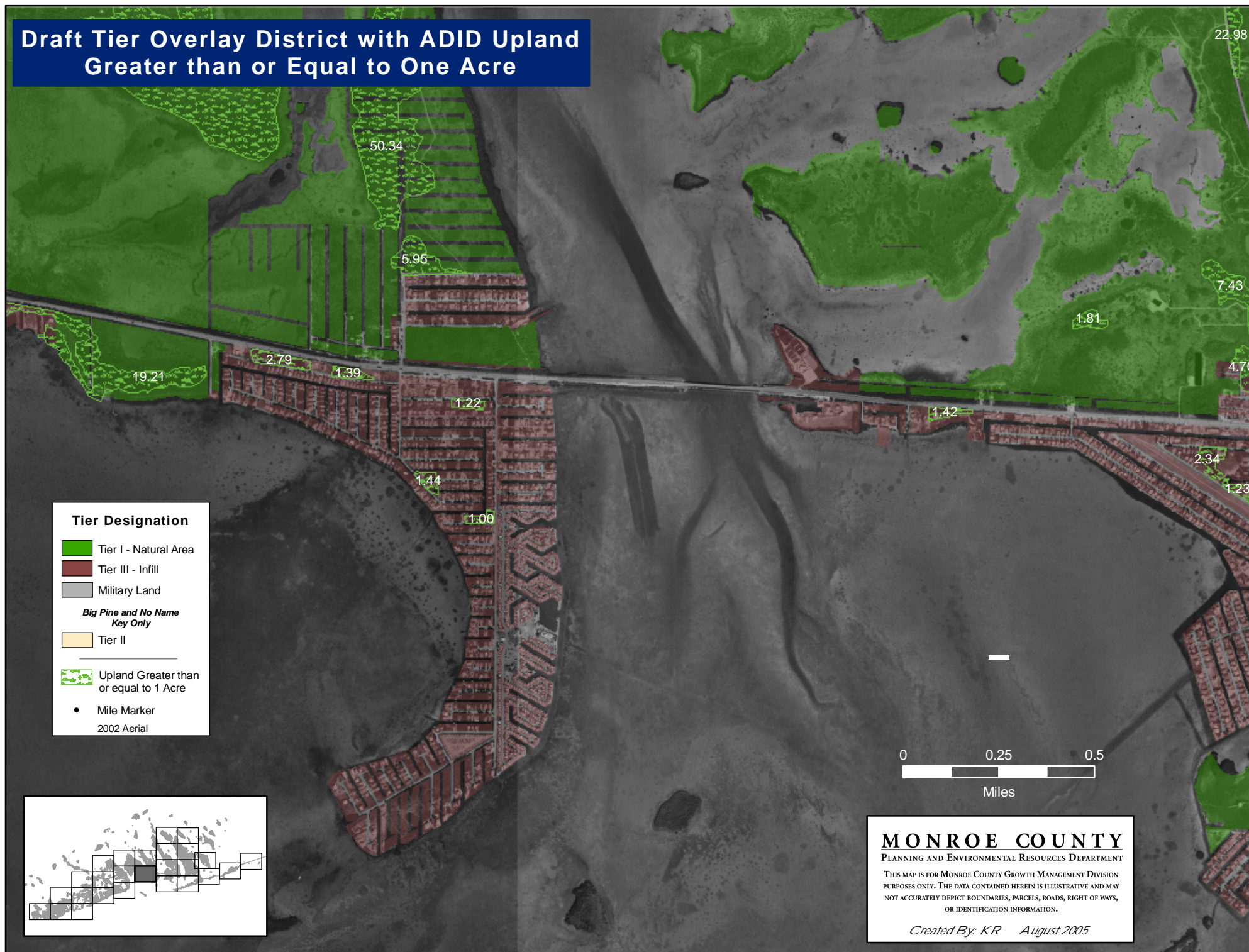
MONROE COUNTY

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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation


 Tier I - Natural Area

 Tier III - Infill

 Military Land

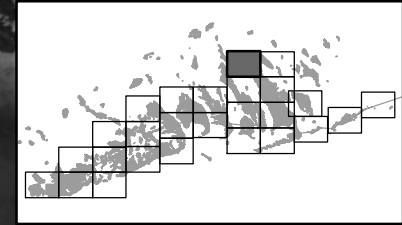
*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial



37.98

5.09

99.04

60.12

7.35

MONROE COUNTY

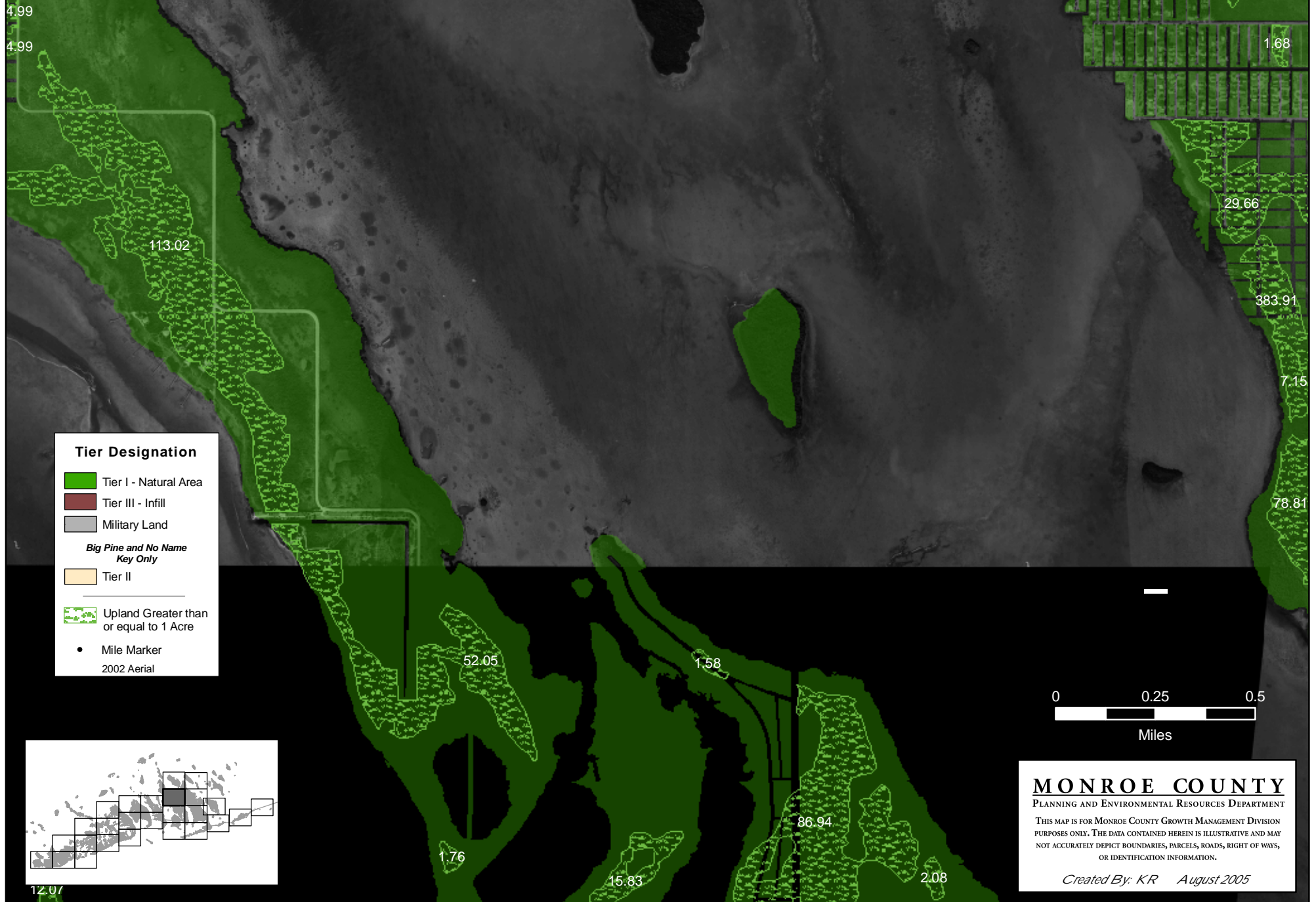
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Created By: KR August 2005

0 0.25 0.5
Miles

Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



MONROE COUNTY
 PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

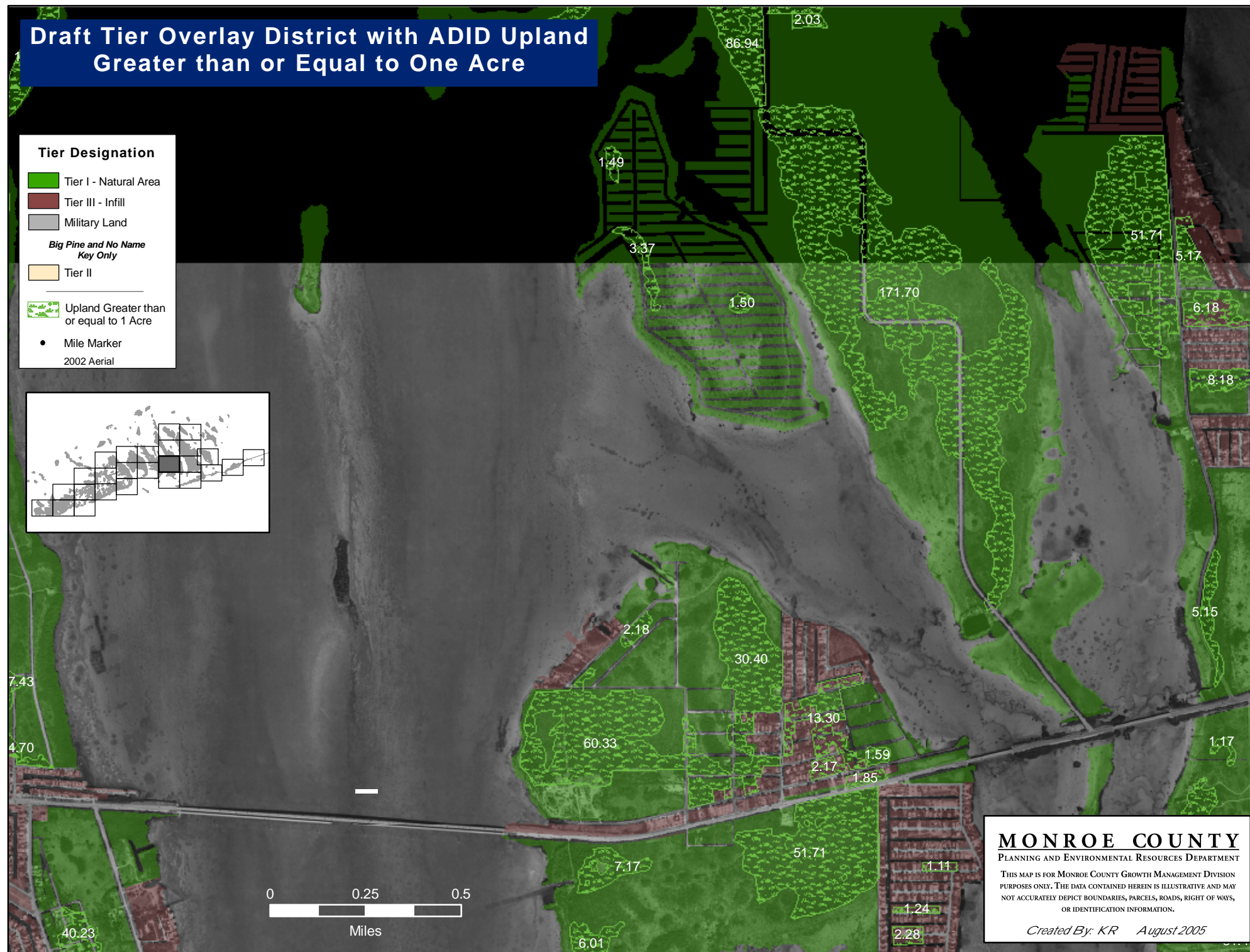
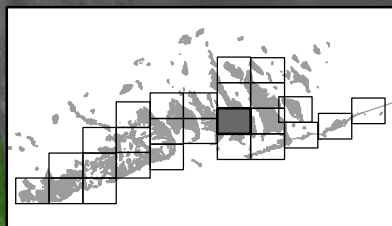
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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

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- Military Land
- Big Pine and No Name Key Only*
- Tier II
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- Mile Marker
- 2002 Aerial



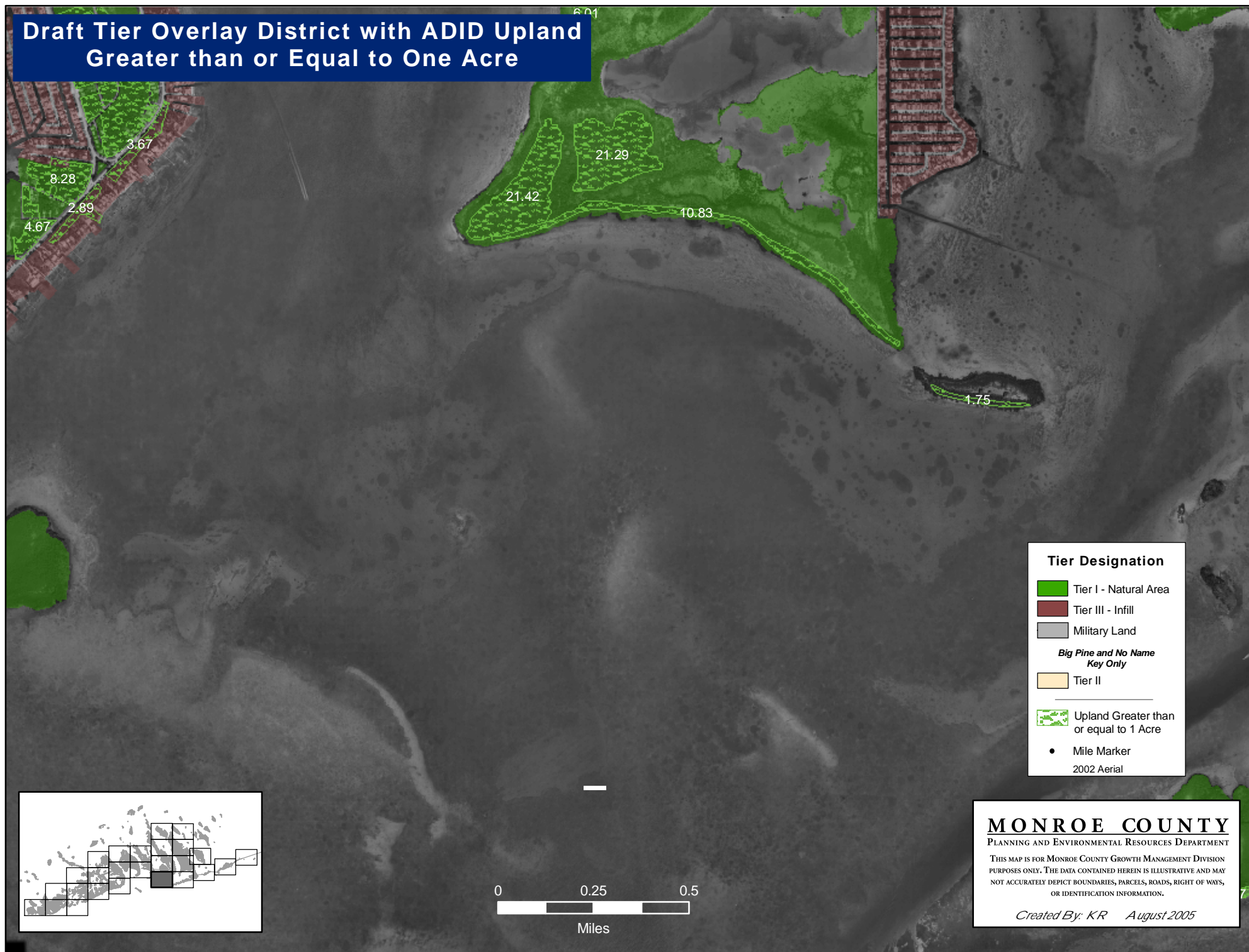
MONROE COUNTY

PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

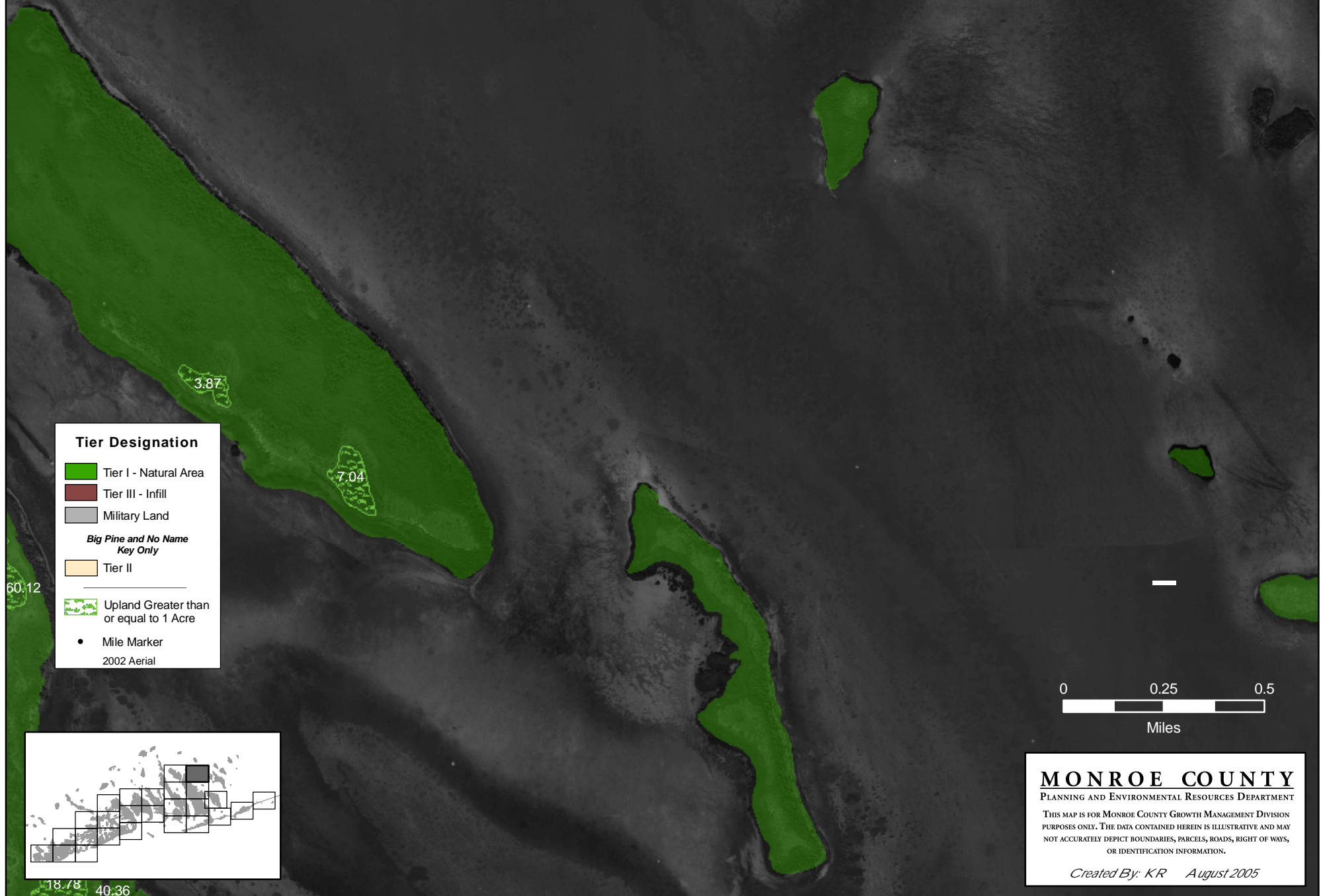
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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

Tier I - Natural Area

Tier III - Infill

Military Land

Big Pine and No Name Key Only

Tier II

Upland Greater than or equal to 1 Acre

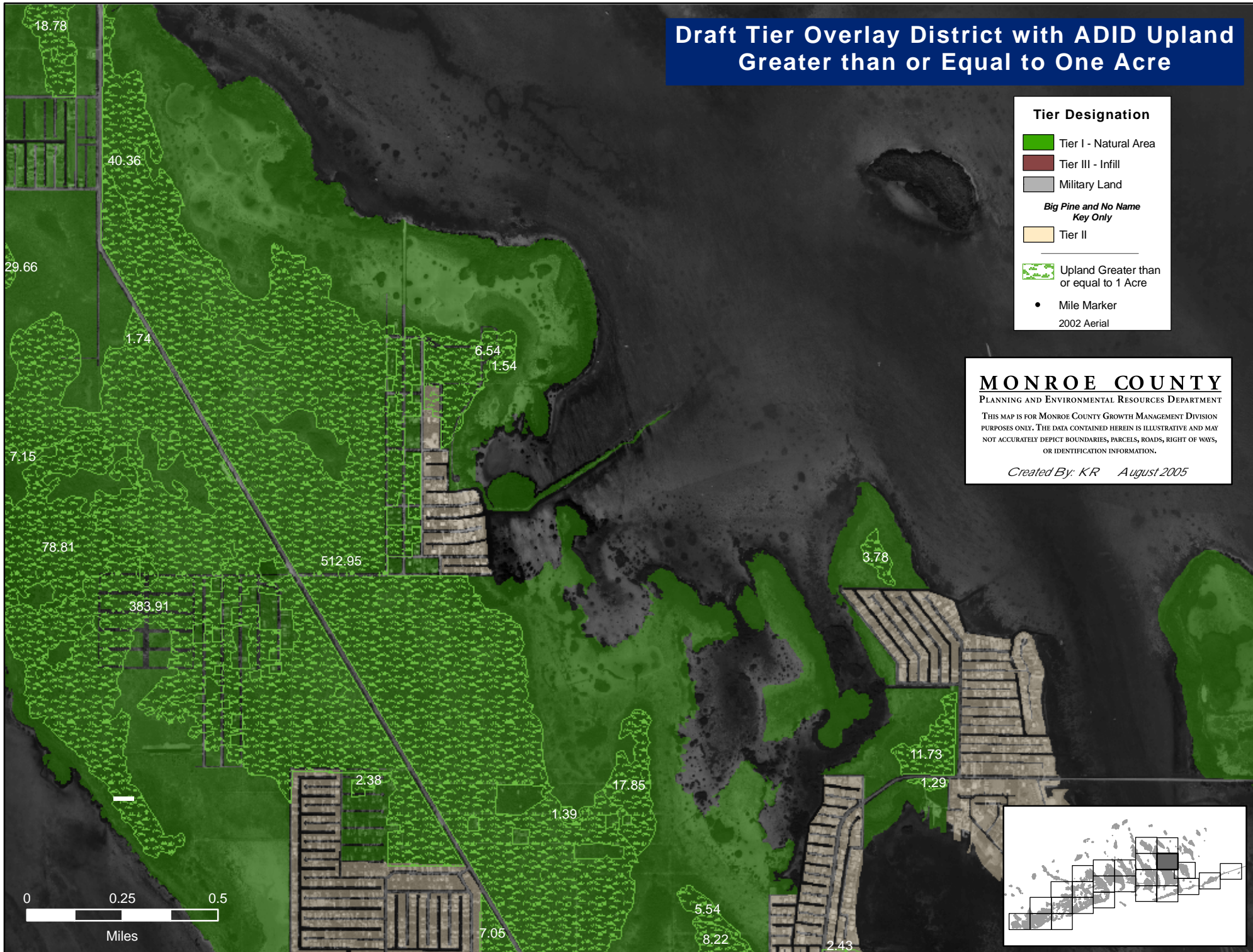
Mile Marker

2002 Aerial

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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

Tier I - Natural Area

Tier III - Infill

Military Land

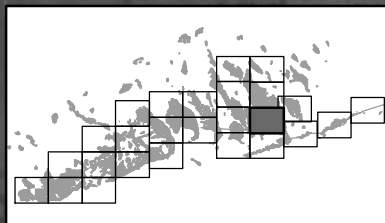
*Big Pine and No Name
Key Only*

Tier II

Upland Greater than
or equal to 1 Acre

• Mile Marker
2002 Aerial

0 0.25 0.5
Miles



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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre

Tier Designation

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- Military Land

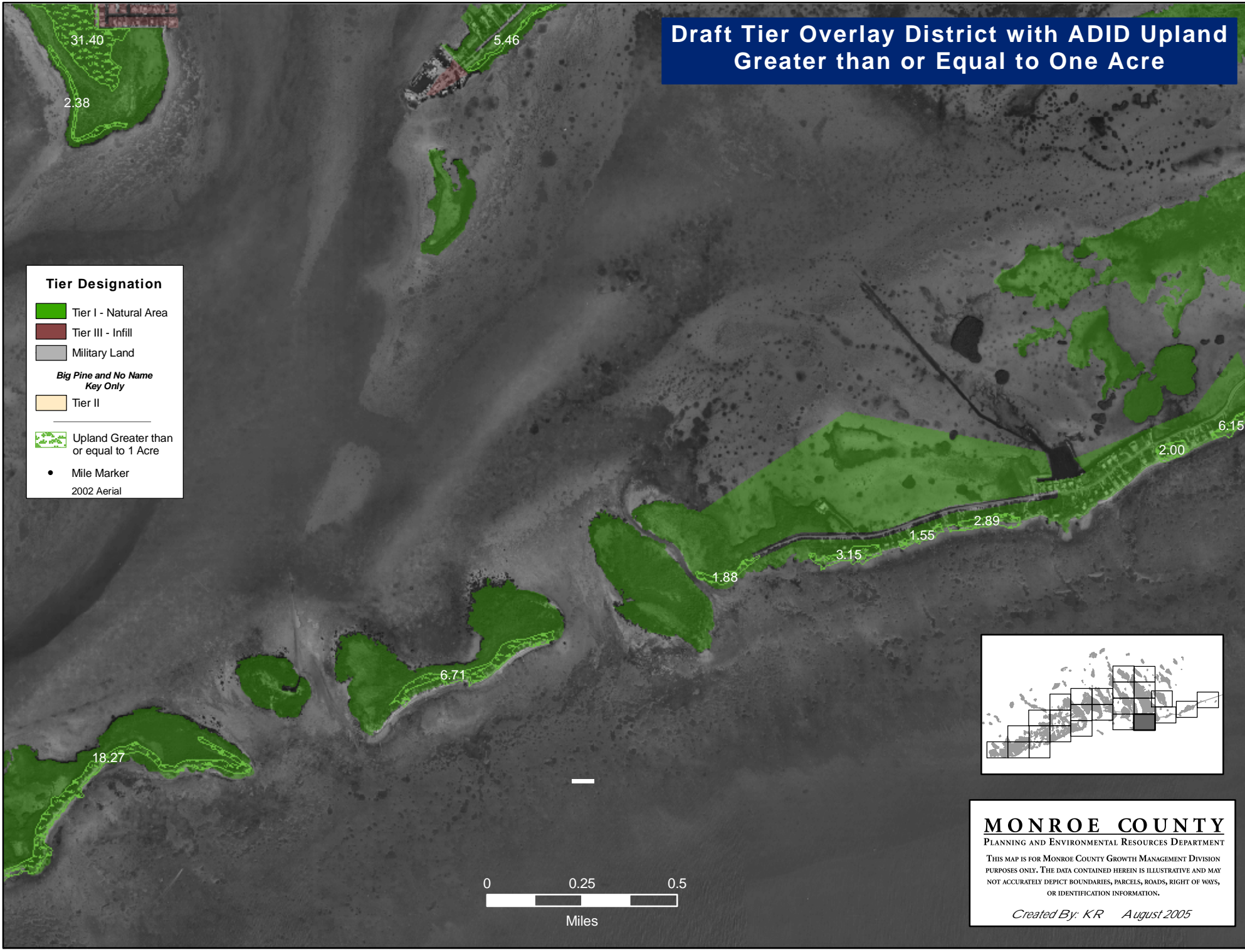
Big Pine and No Name Key Only

- Tier II

Upland Greater than or equal to 1 Acre

Mile Marker

2002 Aerial

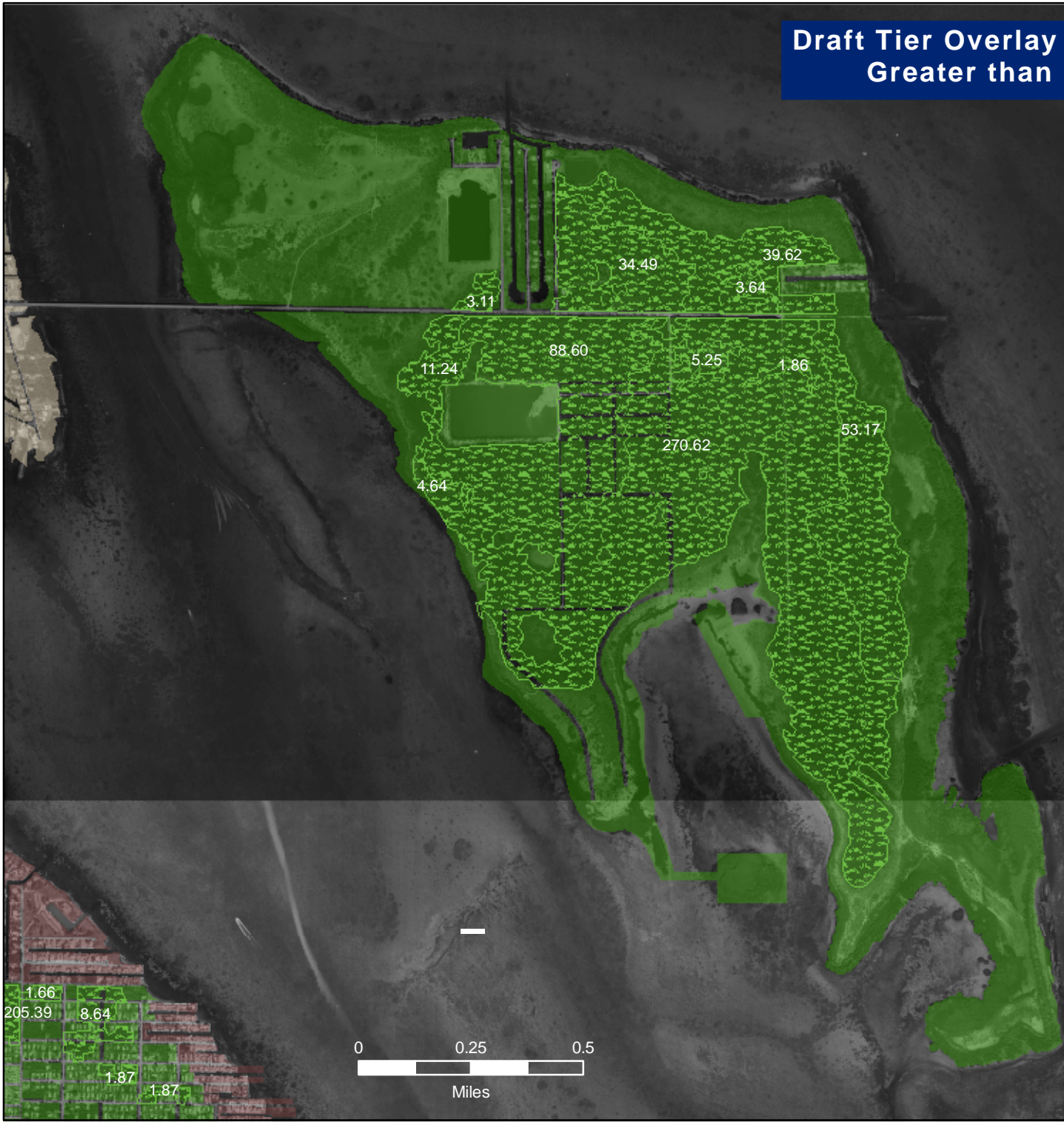


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Draft Tier Overlay District with ADID Upland Greater than or Equal to One Acre



Tier Designation

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- Military Land

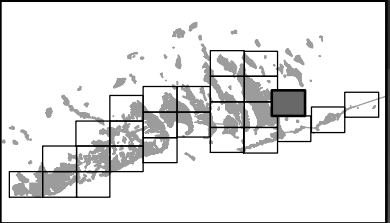
*Big Pine and No Name
Key Only*

- Tier II

Upland Greater than
or equal to 1 Acre

- Mile Marker

2002 Aerial



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Tier Designation


 Tier I - Natural Area

 Tier III - Infill

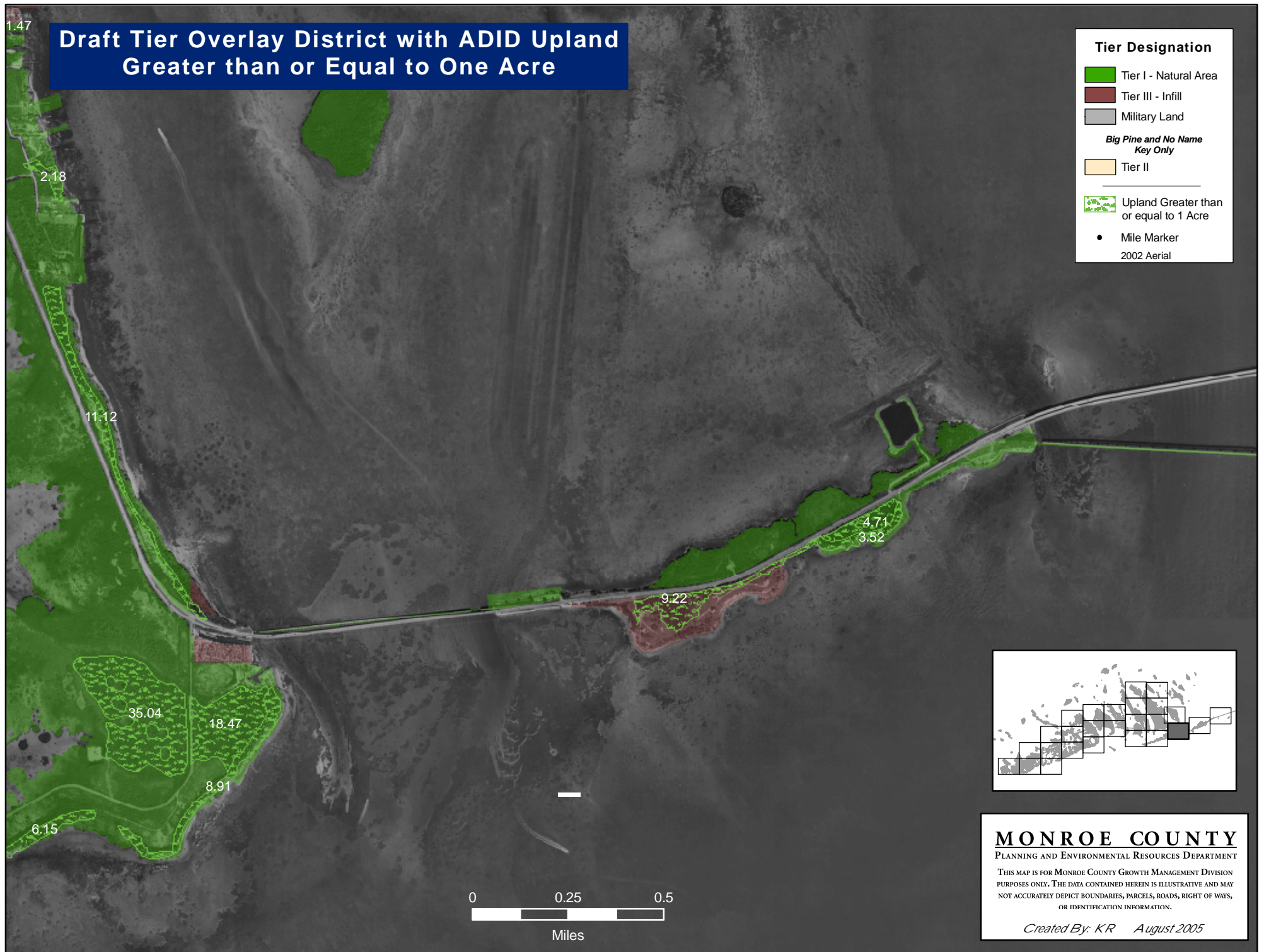
 Military Land

*Big Pine and No Name
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 Upland Greater than
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 Tier III - Infill

 Military Land

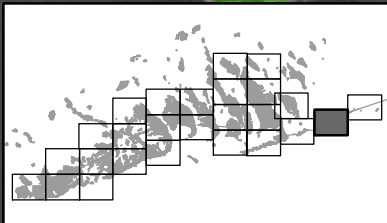
*Big Pine and No Name
Key Only*

 Tier II

 Upland Greater than
or equal to 1 Acre

• Mile Marker

2002 Aerial



0 0.25 0.5
Miles

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